



W.P.(MD) No.7016 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.7016 of 2019

and

W.M.P(MD)Nos.5595 to 5597, 21976 of 2019
& 5236 of 2022

Arumuga Perumal

... Petitioner

Vs.

- 1.The District Revenue Officer,
District Collector Office Campus,
Tirunelveli District.
- 2.The Sub-Collector/The Appellate Authority,
Cheranmadevi,
Tirunelveli District.
- 3.The Tahsildar,
O/o the Tahsildar,
Rathapuram Taluk,
Rathapuram,
Tirunelveli District.
- 4.Vaikundamoorthy
- 5.S.Thangaraj Nadar

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in NI.Mu.No.8566 / 2016(A1), dated 02/12/2016 on the file of the Respondent No.2 and the consequently order of respondent No.1 in Ci.Ma.Aa.2/10/18, dated 26/10/2018 and quash the same as illegal and consequently directing the respondents to restore the Revenue records in the name of Petitioner for the properties in Survey No.435/6, 435/7B, 435/9 and 435/10B to an extent of 1 Acre and 33 Cents situated at Koodankulam Village, Rathapuram Taluk, Tirunelveli District within the time frame stipulated by this Court.

For Petitioner : Mr.S.Rajasekar
For R1 - R3 : Mr.B.Saravanan
Additional Government Pleader
For R4 : Mr.C.Rajesh

ORDER

The petitioner seeks to quash the order of the 2nd respondent, dated 02.12.2016 and to direct the respondents to restore the revenue records in the name of the petitioner and has filed the writ petition.



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2. The case of the petitioner is that the properties in Survey No. 435/6, 435/7B, 435/9 and 435/10B situated at Koodankulam village, Radhapuram Taluk, Tirunelveli District belonged to his father Sivasubramanian from the year 1968 onwards on the basis of a compromise decree in O.S.No.492 of 1968 entered into between one Sivasubramaniya Nadar and one Paulsamy Nadar. After that, the petitioner and his brother have been in possession and enjoyment of the same since 1980 without any hindrance. The petitioner had approached the respondents to grant patta in his favour on the basis of the judgment and decree, dated 05.02.1971 in O.S.No.492 of 1968 as no appeal was filed challenging the same. The patta was also granted and the property was also been assessed to tax. The 4th respondent who is a retired Inspector of Police had filed a petition before the 2nd respondent for cancellation of the petitioner's patta in respect of the said land and on the basis of the same, the 2nd respondent has passed an order cancelling the patta ignoring the decree passed by the Civil Court and a direction has also been issued to the 3rd respondent to carry out the corrections.



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3. A perusal of the impugned order would clearly indicate that the 1st respondent had rejected the request on the ground that the documents relating to the suit in O.S.No.492 of 1968 and the delivery order in E.P.No.571 of 1971 had not been filed. Though the order of the 1st respondent *prima facie* does not appear to be erroneous, however, the statement that the documents relating to the suit and the execution proceedings have not been provided may not be correct in as much as reference has been made to these documents by the 1st respondent himself in the impugned order. The 1st respondent has failed to appreciate that the respondents have been included in the joint patta without notice. The 1st respondent ought to have set aside the order passed by the 2nd respondent.

4. Considering the facts and circumstances of the case, the matter is remitted back to the Tahsildar i.e., the 3rd respondent herein and he shall issue notice to the petitioner as well as the 4th respondent. Thereafter, the Tahsildar shall identify and measure the properties and issue patta as per the title deeds of the parties and the decree of the Civil Court. The said exercise shall be completed within a period of two (2) months from the date of receipt of copy of this order.



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5. With the above directions, this Writ Petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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P.T.ASHA, J.

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