



W.P(MD)No.13645 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13645 of 2021

and

W.M.P.(MD)No.10574 of 2021

P.Senthilkumar

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Theni District.

2.The District Revenue Officer,
O/o.the District Revenue Officer,
Theni, Theni District.

3.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Periyakulam, Theni District.

4.The Tahsildar,
O/o.the Tahsildar,
Theni District.

5.Gnanasekaran

6.G.Santhi
(R6 is impleaded vide order dated 27.03.2024
in W.M.P.(MD)No.12960 of 2021)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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records of the impugned order of the second respondent in Na.Ka.No. 8217/2020/D4, dated 08.07.2021 and to quash the same and consequently, forbearing the respondents from altering the patta.

For Petitioner : Mr.V.Muthu Samundeeswaran

For Respondents : Mr.P.Thambi Durai
Government Advocate for R1 to R4
: Mr.R.Suriya Narayanan for R6

ORDER

Heard both sides.

2. The revenue record in respect of Survey No.222/3, Veerapandi Village in Theni Taluk reflected the names of the following persons:-

- 1.Periyasamypillai
- 2.Arunachalampillai
- 3.Periyasamypillai
- 4.Veerapathiragounder

The petitioner Thiru.P.Senthilkumar is the grand son of Veerapathiragounder and on this, there is no dispute. There is again no dispute that Veerapathiragounder had purchased 51 cents of land vide sale deed dated 21.01.1952 (Document No.104/1952). The only issue is as regards the remaining 51 cents of land in Survey No.222/3. The petitioner relies on the



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Will dated 18.01.1954 said to have been executed by Periyasamypillai S/o.Arunachalampillai in respect of the remaining 51 cents of land. Will is said to have been executed in favour of Veerapathiragounder S/o. Chinnaiangounder. This is an unregistered Will. During UDR, mutation had been made and the name of Periyasamypillai as well as Arunachalampillai had been deleted. This was questioned by one Gnanasekaran S/o. Annamalai Pillai. The complaint of the said Gnanasekaran Pillai was taken on file and enquiry was conducted. Statements of Gnanasekaran as well as Senthil Kumar were recorded. The report of the Sub Collector, Periyakulam was also obtained. Thereafter, vide order dated 08.07.2021, the DRO directed restoration of the names that were originally found prior to UDR. It is this that is put to challenge in this writ petition.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. His core attack is that Gnanasekaran as well as Thesingurajan are strangers. Their claim that they are the grand sons of Periyasamypillai is false. He would contend that the petitioner has a Will executed in favour of his grandfather Veerapathiragounder by Periasamypillai and that the other private respondents must go before the jurisdictional Civil Court. There are quite a few contentious



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aspects. There is consensus only on one aspect. Land measuring 51 cents out of 1 acre and 2 cents was sold by Chithiram Pillai and others in favour of Veerapathiragounder vide sale deed dated 21.01.1952 (Document No. 104 /1952). The contest is only as regards the remaining 51 cents. The petitioner relies on the Will said to have been executed by Periasamy Pillai. Therefore, burden is on the petitioner to prove the same. There is nothing on record to show that this Will was duly proved in the manner known to law. The DRO had only restored the original position. He had not included the names of Gnanasekaran or Thesingurajan. Therefore, interference is not warranted. It is always open to the petitioner herein to establish his claim before the jurisdictional civil Court.

4. With this liberty to the petitioner, the Writ Petition is disposed of. No costs.

12.04.2024

Index : Yes / No
Internet : Yes/ No
rmi

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