



W.P(MD)No.15678 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.01.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15678 of 2020

and

W.M.P(MD)No.13155 of 2020

E.Manjula

... Petitioner

Vs.

1.The District Revenue Officer,
Thirunelveli District,
Kokkirakulam, Thirunelveli – 9.

2.L.K.S.Mhanoon Rosana,
W/o.K.M.Sahul Hameed,
18, Buhari Thangal Thaika Street,
Melapalayam Taluk, Tirunelveli District.
***(R.2 is suo motu impleaded vide
order of this Court dated 11.01.2024)***

... 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 records relating to the impugned order passed by the respondent in Chee.Ma.A2.No.53/2017 dated 07.02.2020 and quash the same and further direct the respondent to grant patta to the petitioner for her property in Tirunelveli District, Palayamkottai Taluk, Karuppandurai



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Village, Ayan Nanja Survey No.35/2A, admeasuring to an extent of 0.13.0 Ares.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.T.Villavankothai
Additional Government Pleader for R.1

Mr.R.J.Karthick for R.2

ORDER

Heard both sides.

2.The petitioner sought issuance of patta in respect of the petition mentioned property. The petitioner's request was rejected by the Revenue Divisional Officer, Thirunelveli. The petitioner filed revision before the District Revenue Officer, Thirunelveli. The revisional authority also negated the petitioner's petition. Challenging the rejection order dated 07.02.2020, the present writ petition came to be filed.

3.The petitioner claims title on the strength of the settlement deed executed by her husband.



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4.The learned counsel appearing for the second respondent submits that the petitioner's husband in turn is tracing his title to an unregistered document. He further pointed out that the revenue record reflects the name of the second respondent's forefather. His contention is that as per the statutory scheme underlying the transfer of property Act, conveyance can takes place only in the manner known to law. He also points out that the impugned order is also based on the fact that the petitioner's husband's document is not a registered one.

5.I am of the view that these issues deserved to be canvassed only in a civil suit. I do not want to interfere with the impugned order. Granting liberty to the petitioner to file a civil suit, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

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Thirunelveli District,
Kokkirakulam,
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