



W.P(MD)No.16968 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16968 of 2020

and

W.M.P.(MD)No.14190 of 2020

R.Pechiyammal

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Taluk Offices Building,
Thirumangalam.

2.The Tahsildar,
Office of the Tahsildar,
Thirumangalam,
Madurai.

3.Velusamy Thevar

4.V.Santhi

5.V.Pandiarajan

(R5 is impleaded vide order
dated 13.02.2024 in W.M.P.(MD)No.2087 of 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 pertaining to the impugned order of the 1st respondent in O.Mu.No. 862/2020/A3 dated 11.05.2020 and quash the same and subsequently, directing the respondents 1 and 2 to not to issue any Patta in favour of the 4th respondent



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and to cancel the Patta in the name of the 3rd respondent in the Patta No.1327 in old survey No.282/1A and new survey No.293/1A of the Puliyur Village of Sathankudi Post (Bit-1), Thirumangulam Taluk, Madurai District.

For Petitioner : Mr.S.Ramsundarvijayaraj

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader for R1 & R2

: Mr.T.Pon Ramkumar for R4

: Mr.A.Sivasubramanian for R5

: no appearance for R3

ORDER

Heard both sides.

2. The case of the petitioner is that mutation in respect of the petition mentioned land in favour of the fourth respondent is bad in law. The petitioner alleges that the subject matter pertains to the water body. She therefore wants the impugned order to be set aside. I am not in a position to agree with this contention for the simple reason that the revenue record reflected the name of the third respondent. The third respondent executed the settlement deed in favour of the fourth respondent who is none other than his daughter-in-law. When a deed of conveyance has been executed, patta also has to be changed accordingly. No exception can be taken to the impugned order. At the same



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time, the case of the petitioner also cannot be brushed aside. The records

available before this Court are not sufficient to come to any definite conclusion that patta mutated in favour of the fourth respondent pertains to water body. The fifth respondent even while contesting the claim of the petitioner disputes the entitlement of the fourth respondent to the petition mentioned land. According to the fifth respondent, the third respondent was his cultivating tenant.

3. This issue can be very well resolved by the jurisdictional DRO. The petitioner as well as the fifth respondent are given five weeks from the date of receipt of a copy of this order to prefer such a petition before the DRO, Madurai. The DRO, Madurai will hear not only the petitioner and the fifth respondent but also the fourth respondent and other interested persons if any. It is seen from the 'A' register entry that there was a water body known as Puliyr Kulam. It is said to be comprised in Survey No.293/1, Sathankudi Post, Puliyr Village, Thirumangalam Taluk, Madurai District. The District Revenue Officer, Madurai is directed to conduct spot inspection as well as survey and earmark the location of the Puliyr Kulam. In respect of a water body, patta cannot be given even if the claimant has any civil Court decree in his or her favour. The DRO, Madurai will specifically consider the stand of R4 as well as R5 that the subject matter of the impugned order is not located in any water body but at a



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different place. All these aspects will be gone into by the DRO and a speaking order will be passed after enquiry and the interested persons shall be heard in person. Final order will be passed on merits and in accordance with law within a period of five months after the receipt of the application from the petitioner as well as the fifth respondent.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2024

Index : Yes / No
Internet : Yes/ No
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To

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2.The Tahsildar,
Office of the Tahsildar,
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G.R.SWAMINATHAN, J.

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