



W.P(MD)No.18123 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18123 of 2020

and

W.M.P.(MD)No.15146 of 2020

P.James

... Petitioner

Vs.

1.The District Revenue Officer,
DRO Office,
Tirunelveli.

2.The Revenue Divisional Officer,
RDO Office,
Cheranmahadevi,
Tirunelveli District.

3.M.Jegadeesan

4.Muruganantha Shanmugavel

5.P.Danial

... 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 of the impugned proceedings of the first respondent in See.Ma.AA2/08/2016, dated 24.10.2019 and quash the same, further directed the respondents 1 & 2 to issue patta to the petitioner.



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For Petitioner : Mr.P.Santhosh Kumar

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader for R1 & R2

: Mr.H.Arumugam for R3

: Mr.R.Balakrishnan for R5

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1 & R2.

2. The learned counsel appearing for the contesting respondent / R3 states that R4 & R5 have passed away. There is no need to bring their legal heirs on record as they are sailing with the petitioner. The petitioner wanted his name to be included in the patta in respect of Survey No.183A/1C, Ilankulam Village. His request was rejected by the RDO, Cheranmahadevi. Aggrieved by the said rejection order, the petitioner filed an appeal before the Sub Collector, Cheranmahadevi vide proceedings dated 31.08.2015. Challenging the same, the petitioner filed revision before the District Revenue Officer, Tirunelveli who vide order dated 24.10.2019 confirmed the order passed by the Sub Collector. Challenging the same, the present writ petition came to be filed.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that the father of the third respondent herein filed O.S.No.879 of 1996 on the file of the Additional District Munsif Court, Nanguneri against him and two others. The suit was dismissed on 26.08.2004. Challenging the same, the third respondent's father filed an appeal and the appeal was also dismissed. The contention of the petitioner's counsel is that when the civil Court had dismissed the suit filed by the third respondent's father, the petitioner's request should have been straight away accepted by the revenue authorities. The petitioner's counsel invoked the principle that the decision of the revenue authority will have to be in consonance with the decision of the civil Court. He called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The learned Additional Government Pleader as well as the learned counsel for the third respondent submitted that the impugned orders are well reasoned and that they do not warrant interference. They pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.



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6. The learned Additional Government Pleader made available 'A' register pertaining to Ilankulam Village. 'A' register reflects the position that obtained prior to UDR. It is seen therefrom that Survey No.183/A-1A and 1C1 reflected the names of P.Daniel and 11 others. Survey No.183A-1C2 was in the name of one Asirvatham Nadar alone. The third respondent traces his title to the said Asirvatham Nadar. The said Asirvatham Nadar had purchased the property comprised in Survey No.183A-1C2 in the year 1977 and he had sold the same in favour of Chockaiah in the year 1987. From the said Chockaiah, the third respondent had purchased the property in the year 1995. Therefore, the revenue record rightly reflected the name of the third respondent in respect of Survey No.183A-1C2. It is stated that Daniel / brother of the petitioner had settled the property in favour of the petitioner. The petitioner can only seek inclusion of his name in the revenue record in respect of Survey Nos.183A-1A & 183A-1C1. The petitioner cannot have any claim on Survey No.183A-1C2. The impugned order does not warrant interference. If the petitioner is still having any grievance, it is always open to him to establish his rights before the jurisdictional civil Court.



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7. With this liberty to the petitioner, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
rmi

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