



W.P.(MD)No.3101 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.3101 of 2018
and
W.M.P.(MD)Nos.3253 & 3254 of 2018

Pandi

... Petitioner

/Vs./

1. The District Revenue Officer
Cum Additional District Magistrate,
Ramanathapuram.

2. S.Muzaffar Pichaikani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the order dated 23.03.2015 in Pa.Mu.P5/41433/2014 on the file of the District Revenue officer, Ramanathapuram District, the first respondent herein and quash the same.

For Petitioner : Mr.Y.Prakash

For Respondents : Mr.M.Senthil Ayyanar

Government Advocate for R1

: Mr.R.Babu Jeyanath for R2



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ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 23.03.2015 in Pa.Mu.P5/41433/2014, thereby cancelled the patta issued in favour of the petitioner's vendor.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The property comprised in S.No.267/13 ad-measuring 0.550 sq.mt. in Kamuthi Taluk, Ramanathapuram District, belonged to one Lakshmiammal, who is the mother-in-law of the petitioner's vendor. She had four sons and one daughter. She had executed a registered Will dated 28.07.1988 in favour of her sons and daughter earmarking their respective shares. In respect of other shares are concerned, the petitioner's vendor has splitted and has sold out to third parties. While being so, the second respondent, who is also claimed to be the one of the legal heirs of the petitioner's vendor's mother, submitted a representation before the Revenue Divisional Officer, dated 10.03.2014 claiming



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ownership of the subject property on the strength of the Will dated 20.01.2011, as if executed by said Lakshmiammal, and also sought for cancellation of patta issued in favour of the petitioner's vendor. On receipt of the notice from the Revenue Divisional Officer, the petitioner's vendor appeared for enquiry and submitted reply. However, without giving opportunity of hearings to the petitioner's vendor and without giving opportunity to produce the supportive document, the first respondent passed an order, thereby cancelled the patta issued in favour of the petitioner's vendor, by order dated 20.03.2015. He challenged the said order in W.P.(MD)No.7200 of 2015 before this Court. While pending Writ Petition, he sold out the property in favour of the petitioner by the registered sale deed dated 17.12.2015 and thereafter, he died. Therefore, the said Writ Petition was dismissed as abated.

4. Hence, the petitioner has stepped into the shoes of his vendor and filed this Writ Petition challenging the order passed by the first respondent. Due to the demise of the petitioner's vendor, the order of cancellation of the patta would not serve any purpose. Further, the second respondent is also claiming title over the property on the strength



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of the Will dated 20.01.2011. Therefore, the order impugned cannot be sustained and accordingly, the order dated 23.03.2015 in Pa.Mu.P5/41433/2014 on the file of the District Revenue officer, Ramanathapuram District, is hereby quashed. The petitioner and the second respondent are at liberty to approach the civil Court for declaration of their title in their favour. Further depends upon the result of the suit, they can very well approach the concerned authorities for issuance of patta for their respective land in the manner known to law.

5. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Internet : Yes/No
NCC : Yes / No
LS

07.11.2024

TO:-

The The District Revenue Officer
Cum Additional District Magistrate,
Ramanathapuram.



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.3101 of 2018

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