



W.P.(MD) No.4348 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.4348 of 2018

V.Gurusamy

... Petitioner

/vs./

- 1.The District Collector,
Tirunelveli District.
- 2.The District Revenue Officer,
Tirunelveli District.
- 3.The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.
- 4.The Tahsildar,
Sivagiri,
Tirunelveli District.
- 5.The Revenue Divisional Officer,
Sankarankovil.
*(R5 has been suo motu impleaded
vide order dated 18.07.2024)*

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to take immediate action against the complaints made to the respondents regarding the change the name in patta for punja land in survey no.186/1 situated in Thirumalpuram Village, Sivagiri Taluk, Tirunelveli District and also direct the respondents to change the petitioner's name in the patta, chitta, Adangal regarding the S.F.No. 186/1 within a stipulated period.

For Petitioner : Mr.S.Arivalagan
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents 1 to 4 to take action against the complaints made to the respondents to change the name in the patta for the land in S.No.186/1 situated in Thirumalpuram Village, Sivagiri Taluk, Tirunelveli District and to direct the respondents to change the petitioner's name in the patta, chitta, Adangal regarding S.F.No. 186/1.



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2.The petitioner claims to have acquired right over the land in S.No.186/1 in Thirumalapuram Village, Tirunelveli District, pursuant to a settlement deed executed by his mother, Chellathai @ Madathiammal dated 30.04.2007 out of a total extent of 5.97 acres. It appears that there was partition suit between one Kaliasammal against the petitioner's mother, Chellathai @ Madathiammal and one Chinnathai @ Krishnammal.

3.The records that are available before this Court indicate that out of an extent of 5.97 acres in S.No.186/1, one Subbiah Thevar had sold an extent of 2.99 acres in favour of Tharani Sugars Mill by Doc.No.1338 of 1987. Further extent of 1.10 acres was thereafter sold by one Karuppan and two others in favour of one Kandasamy. A joint patta was also issued thereafter in favour of said Kandasamy and Tharani Sugar Mill on 04.03.1988.

4.The case of the petitioner is that the petitioner is entitled to patta in respect of 3.22 acres out of 5.97 acres in S.NO.186/1 in the said village pursuant to a settlement deed dated 30.04.2007 and pursuant to a judgment and decree in



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O.S.No.16 of 2001 before the Sub Court, Sankarankovil, vide judgment and decree dated 18.04.2006.

5.As there is a rival claim over the property, earlier the land was sold by Subbaiah Thevar in favour of Tharani Sugar Mill and later by Karuppan, Karuppanmal and Pillaiyar in favour of the said Kandasamy by two separate deeds registered as Doc.Nos.1338/1987 and 12 of 1989 and subsequently, by settlement deed dated 30.04.2007 registered as Doc.No.659 of 2007. The petitioner should have impleaded Tharani Sugar Mill and the said Kandasamy.

6.In any event, the petitioner cannot ask for action to be taken against the Officers of the Revenue Department, merely because the petitioner's mother had secured a decree in O.S.No.16 of 2001 on 18.04.2006, pursuant to which the settlement deed dated 30.04.2007 in Doc.No.659 of 2007 was executed in favour of the petitioner by the petitioner's mother, Chellathai @ Madathiammal.

7.Be that as it may, there are disputed questions of fact. The writ petition is of the year 2018. The land in Thirumalapuram Village, Tirunelveli District now



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stands within the jurisdiction of Revenue Divisional Officer, Sankarankovil.

8.Since the Revenue Divisional Officer, Sankarankovil is not a party to the proceeding, this Court *suo motu* impleads the Revenue Divisional Officer, Sankarankovil as fifth respondent in this writ petition. Under these circumstances, the petitioner is at liberty to move an appeal before the Revenue Divisional Officer, Sankarankovil to cancel the patta granted in favour of Tharani Sugar Mill and the said Kandasamy in the manner known to law.

9.The Writ Petition stands disposed of, accordingly. No costs.

Index : Yes / No
Internet : Yes / No
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To

- 1.The District Collector,
Tirunelveli District.
- 2.The District Revenue Officer,
Tirunelveli District.
- 3.The Revenue Divisional Officer,
Tenkasi,

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Tirunelveli District.

4.The Tahsildar,
Sivagiri,
Tirunelveli District.



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C.SARAVANAN, J.

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