



W.P.(MD) No.18938 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.18938 of 2015

and

M.P.(MD) No.1 of 2015

S.Kurungudi

... Petitioner

/vs./

1.The Appellate Authority cum Sub Collector,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

3.S.Mangai Ammal

4.S.Srinivasachari

5.Banumathy

6.Andal Ramakrishna

7.Kausalya Iyegar



W.P.(MD) No.18938 of 2015

WEB COPY

8.N.S.Sundharanrajan

9.Usha Raman

10.N.S.Radhakrishnan

*(R4 to R10 have been impleaded
vide order dated 22.08.2023)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the first respondent in Ni.Mu.835/2014(A1) dated 04.09.15 signed on 21.09.15 and quash the same.

For Petitioner	: Mr.K.K.Udayakumar for Mr.H.Arumugam
For R1 & R2	: Mr.P.Thambidurai Government Advocate
For R3, R4, R9 & R10	: Mr.K.P.Narayanakumar
For R5 to R8	: No appearance

ORDER

The writ petition has been filed for a Writ of Certiorari to quash the order of the first respondent in Ni.Mu.835/2014(A1) dated 04.09.2015 signed on 21.09.2015.



W.P.(MD) No.18938 of 2015

WEB COPY

4.The third respondent had approached the second respondent for transfer of patta in her name and had produced 'No Objection' in the form of an affidavit sworn to by the petitioner and her daughters and on the basis of this affidavit, the second respondent without notice has transferred the patta in the name of the third respondent.

5.On coming to know about the same, the petitioner and others had given an application to the second respondent and the patta granted in the name of the third respondent was cancelled and was restored in the name of the petitioner's husband.

6.The petitioner would submit that after the cancellation of the patta, her daughters had relinquished their shares in her favour and she had also sold the property to one Pappa Rajendran under a registered sale deed dated 22.11.2013. While so, the third respondent had filed an appeal before the first respondent and by the impugned order, the first respondent had directed inclusion of the name of the third respondent along with the petitioner and it is this order, that is the subject matter of challenge.



W.P.(MD) No.18938 of 2015

WEB COPY

7.The third respondent has filed a counter, in which she had stated that Chinnu Ammal had a daughter, Thiruvengadammal and Lakshmiammal is one of the daughters of Thiruvengadathammal and besides her, there were two other daughters. Srinivasan was the son of the said Lakshmiammal and the third respondent is the daughter of Thiruvengadathammal second daughter of Thiruvengadammal.

8.It is also the contention of the third respondent that during their life time, Lakshmiammal and the other sister, Aalwarammal had orally released their shares in favour of the third respondent's mother and therefore, the entire property was the exclusive property of the third respondent's mother and on her demise, the third respondent had inherited the property.

9.It is the contention that the Revenue Authorities had wrongly included the name of the petitioner's husband in the UDR patta and on noticing the mistake, the third respondent had applied for cancellation of patta and later, it was transferred in her name. The third respondent would submit that the impugned order has been passed after due consideration of the documents.



W.P.(MD) No.18938 of 2015

WEB COPY

10. Admittedly, the patta originally stood in the name of three daughters as the legal heirs of the original owner of Chinnuammal. Chinnuammal had died intestate leaving behind her surviving only daughter, Thiruvengadammal. Thiruvengadammal had three daughters, namely Lakshmiammal, Thiruvengadathammal and Aazhvarammal. On the death of Thiruvengadammal, all the three of them have got 1/3rd share each in the property in question.

11. The case of the third respondent is that orally, Lakshmiammal and Aazhvarammal have released their respective shares in favour of the third respondent. However, patta had been issued in the exclusive name of Lakshmiammal's son Srinivasan. As to how Srinivasan gets rights to the entire property to the exclusion of the other legal heirs has not been explained.

12. Be that as it may, there appears to be a conflict with reference to a title to property. Therefore, taking into account the fact that Thiruvengadammal's three daughters have a 1/3rd share each in the property, the impugned order is set aside and the patta shall be issued in the joint names of the legal heirs of the daughters



W.P.(MD) No.18938 of 2015

WEB COPY

of Thiruvengadammal, namely Lakshmiammal, Thiruvengadathammal and Aazhvarammal as set out in the Genealogy. In case, any one of the legal heirs claim an independent right, the same has to be established through the civil Court.

13.The Writ Petition stands disposed of, with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

12.08.2024

mm

To

1.The Appellate Authority cum Sub Collector,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.



WEB COPY



W.P.(MD) No.18938 of 2015

P.T.ASHA, J.

mm

W.P.(MD) No.18938 of 2015

12.08.2024