



W.P.(MD) No.5122 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.5122 of 2016
and
W.M.P(MD)No.4565 of 2016

Meenal

.. Petitioner

Vs.

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Melur Taluk Office,
Melur, Madurai District.

4.Kasthuri Bai

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records from the 1st respondent in his proceedings in Pa.Mu.No. G2/50788/2013, dated 16.01.2016 and quash the same and consequently direct the 3rd respondent to restore patta in the petitioner's name.



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For Petitioner : Mr.G.Gomathi Sankar

For R1 – R3 : Mr.P.Thambidurai
Government Advocate

For R4 : Mr.T.Selvan

ORDER

Challenging the dismissal of his review petition by the 1st respondent, the petitioner is before this Court.

2. It is the case of the petitioner that the lands in Survey No.140/3 measuring an extent of 4 acres 86 cents in Kurichipatti Village was assigned to the 4th respondent's parents in the year 1970 in DKT. 1483/1970. Thereafter, it was inherited by one Kandasamy @ Sebastian's legal heirs. They were in dire need of money and decided to sell the lands to the petitioner. All the original records were handed over to the petitioner and a sum of Rs.50,000/- was received as sale consideration. However, the sale deed was not registered, since the property was given to the 4th respondent's family as an assignment.



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3. The petitioner would further submit that she has spent huge sums of money for developing the lands into cultivable lands and has also got the patta mutated in her name. Further exercising her right as owner, she has also mortgaged the property with the Uranganpatty Co-operative Society Bank. Since she is cultivating sugarcane crops, she has also got her name registered in the nearby sugar factory.

4. It is the further contention that the 4th respondent was never in possession of the property, but however, had approached the Village Administrative Officer and received land tax receipts for 10 years in one go. It is also the contention of the petitioner that on the basis of these land receipts, patta granted to the petitioner had been cancelled and patta has been issued to the petitioner. Challenging the same, the petitioner had filed a review petition before the 1st respondent which was dismissed. Challenging the same, this writ petition has been filed.

5. The 1st respondent had taken note of the fact that the petitioner had not produced any document whatsoever to show her right to the suit



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property and the assignment was in favour of the 4th respondent's mother Rajammal as early as in the year 1970. The petitioner who has pleaded an oral sale has not produced any document whatsoever to prove the same. The petitioner has also admitted the fact that the property originally belonged to the 4th respondent and his mother. Therefore, there was no doubt regarding the title of the 4th respondent to the property in question. Since there was a serious dispute with regard to the title, the 1st respondent has rightly directed the petitioner to approach the Civil Court to have her grievance redressed. I feel no reason to differ from the above view taken by the 1st respondent.

6. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.08.2024

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

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To

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P.T.ASHA, J.

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