



W.P.(MD)No.11976 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.11976 of 2017

M.Sapapathy

... Petitioner

versus

1. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2. The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.

3. The Thasildhar,
Kariyapatti Taluk,
Virudhunagar District,
Kariyapatti.

4. Gunaseeli

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the District Revenue Officer, Virudhunagar, dated 11.05.2015 proceedings in Ni.Mu.P2/28114/2013 passed by the 1st



W.P.(MD)No.11976 of 2017

respondent and quash the same as illegal and consequently, direct the respondents to issue patta in the name of the petitioner in patta No. 1107 of Mallanginaru Village in S.No.289/5.

For Petitioner : Mr.V.Murugan

For R1 to R3 : Mr.R.Suresh Kumar,
Additional Government Pleader

For R4 : Mr.P.Rajagopal
for Mr.R.Devaraj

ORDER

The order dated 11.05.2015 passed by the District Revenue Officer, Virudhunagar District, under the Patta Pass Book Act, is under challenge in this writ petition.

2. The learned counsel appearing for the petitioner submits that the property in Survey No.289/5 to an extent of 0.09.5 ares is the ancestral property of the petitioner and this property has been allotted to him. However, during UDR survey, it has been wrongly entered in the name of one Natarajan, brother of the petitioner. On knowing the same, the petitioner has obtained a consent letter from the said



W.P.(MD)No.11976 of 2017

Natarajan and also approached the Revenue Officials for change of patta. In the mean time, the petitioner's brother Natarajan died.

Thereafter, the 4th respondent, the wife of the said Natarajan, has raised a doubt with regard to the signature found in the consent letter given by the said Natarajan. Therefore, the first respondent, by impugned order dated 11.05.2015, rejected the request of the petitioner and directed the petitioner to work out his remedy before the competent Civil Court. As against the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner further submits that the said Natarajan knew the fact that the subject property has been allotted to the petitioner and he is in occupation of the property and therefore, he had given a consent letter for change of patta in the petitioner's name. Based on that, the Village Administrative Officer has conducted an enquiry and also recommended for change of patta, which was also forwarded by the Special Tahsildar for change of patta. While so, on the basis of objection raised by the 4th respondent



W.P.(MD)No.11976 of 2017

and that too after the demise of the Natarajan, the respondent have directed to the petitioner to approach the concerned Civil Court. The learned counsel appearing for the petitioner further submits that if the 4th respondent is having any grievance as against the consent letter, the 4th respondent has to approach the concerned Civil Court and the first respondent ought not to have directed the petitioner to approach the concerned Civil Court.

4. The learned counsel appearing for the 4th respondent submits that the consent letter has been created by the petitioner after the demise of the 4th respondent's husband.

5. This Court considered the rival submissions made on either side.

6. The petitioner claims that the property in Survey No.289/5 to an extent of 0.09.5 ares is the ancestral property and this property has



W.P.(MD)No.11976 of 2017

been allotted to him as his share. According to him, during UDR Survey, the patta has wrongly been entered in the name of his brother Natarajan. The said Natarajan has also given a consent letter for change of patta in the name of the petitioner. The petitioner is also relying on the enquiry conducted by the Village Administrative Officer and the report forwarded by the Special Tahsildar. However, pending this process, the said Natarajan died. Thereafter, the 4th respondent, the wife of the said Natarajan, has raised a doubt as to whether the consent letter is a genuine one or not, which can be ascertained only before the competent Civil Court. Therefore, this Court is not inclined to interfere with the impugned order passed by the first respondent/District Revenue Officer, Virudhunagar.

7. Accordingly, this writ petition is dismissed. No costs.

20.03.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

5/7



W.P.(MD)No.11976 of 2017

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W.P.(MD)No.11976 of 2017

B.PUGALENDHI, J.

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W.P.(MD)No.11976 of 2017

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