



WP(MD)No.19775 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.19775 of 2017
and
WMP(MD)No.16031 of 2017

Esakkiammal @ Selvi

.. Petitioner

v.

- 1.The District Revenue Officer,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.
- 3.The Tahsildar,
Sattankulam Taluk,
Thoothukudi District.
- 4.The Village Administrative Officer,
Sri Venkateshwarapuram Village,
Sattankulam Taluk,
Thoothukudi District – 628 613.
- 5.Poolpandi
- 6.Subramanian



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7.Sundari
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8.Muthulakshmi

9.Arumugathai

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the impugned order dated 30.08.2017 passed by the second respondent in Na.Ka.A3/5350/2014 and quash the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader
for R.1 to R.4

Mr.S.Senthil Sankara Natha Kumar
for R.5 to R.9

ORDER

The order of the Revenue Divisional Officer dated 30.08.2017 is challenged in this writ petition. This order was passed under the Patta Passbook Act on the appeal filed by one Ponnammal, mother-in-law of the petitioner.



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WEB COP 2.The subject properties in S.Nos.1/1, 801/33, 801/46, 801/47 of Sri Venkateshwarapuram Village, Sathankulam Taluk belong to one Duraisamy Thevar. The said Duraisamy Thevar died in the year 1991 leaving eight legal heirs. Thereafter, based on an unregistered Will produced by the petitioner's husband, Subramanian, one of the legal heirs of Duraisamy Thevar, the patta which stood in the name of Duraisamy Thevar was transferred in the name of Subramanian. The said Subramanian died in the year 2016. In the meantime, Ponnammal W/o.Duraisamy Thevar raised objections for transferring the patta in the name of Subramanian. The same was referred to the Revenue Divisional Officer, who, after conducting enquiry, has passed an order dated 30.08.2017 cancelling the patta and restoring the same to its original position, ie., in the name of Duraisamy Thevar.

3.Learned Additional Government Pleader, by referring the counter affidavit filed by the second respondent / Revenue Divisional Officer, submitted that the petitioner's husband Subramanian was appointed as



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Village Assistant on Compassionate Grounds and he managed to transfer the patta in his name. He further submitted that the relevant patta transfer file is not at all available in the revenue office.

4.This Court considered the rival submissions made on either side and perused the available materials.

5.The patta, which was transferred in the name of Subramanian, was cancelled by the order impugned in this writ petition. Duraisamy Thevar is having seven legal heirs, other than the petitioner's husband, Subramanian. The petitioner claims that by way of an unregistered Will, the patta was transferred in the name of her husband. However, the Revenue Divisional Officer claims that the patta transfer files are not at all available in the revenue records. He also claim that the petitioner's husband Subramanian worked as Village Assistant and has managed to obtain the patta.

6.In view of the stand taken by the Revenue Divisional Officer, this Court is not inclined to entertain this writ petition, inasmuch as the patta



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has been restored to its original position, ie., in the name of Duraisamy

Thevar. Accordingly, this writ petition is dismissed. Liberty is granted to the respective parties to work out their remedy before the competent civil Court.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

19.02.2024

NCC : Yes / No

Internet : Yes

gk

To

1.The District Revenue Officer,
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B.PUGALENDHI, J.

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4.The Village Administrative Officer,
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