



W.P(MD)No.20129 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P(MD)No.20129 of 2017 and
WMP(MD) Nos.16474 of 2017 & 20324 of 2023

J.Rajamani

... Petitioner

Vs

1.The District Revenue Officer cum
Additional District Magistrate,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram.

3.The Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.

4.Bose

5.Ramanathan

6.Kumaravel

7.Poovammal

8.Saravanan

9.Thangam

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the first respondent vide No.Pa.Mu.(P5)/22183/2016, dated 06.03.2017 and quash the same as illegal and consequently direct the third respondent to restore the name of late Arunachala Thevar in patta No.2707 in survey No.606/217AA 3B1 in the light of the order passed by the second respondent in his proceedings No.PA.Mu (A1) 9168/2013 dated 20.03.2015.

For Petitioner	: Mr.D.Srinivasa Ragavan
For R1 to R3	: Mr.M.Muthumanikkam Government Advocate
For R4 & R5	: Mr.C.M.Arumugam
For R6 to R9	: No appearance

ORDER

The property in S.No.606/217AA3B1 in Kamuthi Village, Kamudhi Taluk, Ramanathapuram District to an extent of 550 sq.mtrs (27 cents) belonged to the petitioner's father, namely, Arunachala Thevar, as per the sale deed in Document No.457/1962, dated 21.04.1962. Patta for the said property, in Patta No.49, stood in the name of the petitioner's father. The petitioner's father died on 01.12.1990, leaving behind the petitioner, her mother and her



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siblings as his legal heirs. Thereafter, the petitioner's mother, namely, Karuppayee Ammal also died. Hence, all the seven legal heirs of the said Arunachala Thevar, including the petitioner became entitled to 1/7th share in the subject property. The petitioner came to know that patta in respect of the subject property was transferred in favour of the male legal heirs of the petitioner's father. Therefore, the petitioner filed an appeal before the Revenue Divisional Officer, Paramakudi/the second respondent herein, to remove the name of the male heirs of her father and include all the seven legal heirs. The second respondent, on completion of enquiry, vide proceedings, dated 20.03.2015, issued directions to delete the name of male legal heirs in the patta and to restore the patta to its original position i.e in the name of Arunachala Thevar. Aggrieved over the same, the male legal heirs filed a revision petition before the District Revenue Officer cum Additional District Magistrate, the first respondent. The first respondent dismissed the said revision petition on the ground of limitation, by his proceedings in No.Pa.Mu.(P5)/22183/2016, dated 06.03.2017, and the same is challenged in this writ petition.



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2.The learned counsel appearing for the respondents 4 & 5 submits that the patta originally stood in the name of Arunachala Thevar in Patta No.49. After the demise of the said Arunachala Thevar on 01.12.1990, patta was issued in favour of the male heirs of the deceased Arunachala Thevar, by order dated 29.11.1991. After issuance of patta in their favour, the petitioner approached the revenue authorities for cancellation of the patta and restoration of the same in favour of their father. The learned counsel further submits that there was absolute no infirmity or illegality in the order passed by the first respondent, in as much as, there was a genuine dispute as to the title to the property and therefore, the same could be decided only by a competent civil Court.

3.The learned Government Advocate (Civil Side) appearing for the official respondents reiterates the contentions raised in the counter affidavit. He further submits that there is no procedural lapse in the proceedings and therefore the first



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respondent was justified in relegating the parties to the competent Civil Court for settling the title dispute.

4.I have heard the learned counsel on either side and perused the materials placed on record.

5.It is not in dispute that the subject property in S.No. 606/217AA3B1, in Kamuthi Village, Kamudhi Taluk, Ramanathapuram District, belonged to the petitioner's father, namely, Arunachala Thevar. After his demise on 01.12.1990, the patta for the subject property was transferred in favour of the male legal heirs on 29.11.1991, vide proceedings of the Tahsildar in DPT315/1990. The petitioner claims that the male legal heirs of Arunachala Thevar claimed exclusive right and possession of the subject property and got the patta transferred in their favour on 29.11.1991. It is seen that though the patta was transferred in favour of the male heirs as early as on 29.11.1991, itself, till 28.08.2006, the petitioner did not raise any objections. As there was an



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inordinate delay of more than 15 years in approaching the first respondent for cancellation of patta, the first respondent rejected the petitioner's application by relegating the petitioner to the competent Civil Court for settling the title. I find no infirmity or illegality in the impugned order and hence, it calls for no interference.

6.In view of the above, this Court finds no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

29.11.2024

NCC:Yes/No
Index:Yes
vrn



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