



W.A.(MD)No.1699 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.A.(MD)No.1699 of 2024
and
C.M.P.(MD)No.13117 of 2024

A.Chandrasekaran

... Appellant

-VS-

1.The Revenue Divisional Officer,
Pudukottai District.

2.Maheswaran, S/o.Rengan,
Represented by Power Agent
G.M.Balu Thevar,
S/o.Manickam Servaikarar,
3001/2, Chakravathi Iyyappan Street,
Pudukottai District.

3.Punnyavathy, W/o.Varappan

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 18.08.2023, passed in W.P.(MD)No.13657 of 2014, on the file of this Court.



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For Appellant : Mr.N.Balakrishnan
For R1 : Mr.P.T.Thiraviyam
Government Advocate
For R2 and R3 : Mr.R.Paranjothi
for M/s.KBS Law Office

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The appellant is aggrieved by the order of the Writ Court, dated 18.08.2023, in and by which, the Writ Court disposed of the Writ Petition filed by the appellant, concluding that the mutation of revenue records in the names of all the legal heirs of original owner Poochiyayee is justified and leaving the civil rights of the parties open.

2. The land in question admittedly belong to one Poochiyayee. Her daughter Mariyayee sold the property to one Kannan and the said Kannan in turn sold the property to the appellant. When the appellant sought for mutation of the revenue records, one Maheswaran, claiming to be the brother of Mariyayee and one Punniyavathi, claiming to be daughter of Mariyayee, made claims before the revenue officials. While Maheswaran contended that the property belonged to



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Poochiyayee and as her son, he would be entitled to her share, Punniyavathi, the daughter of Mariyayee contended that she was not aware of the same. The Revenue Divisional Officer, Pudukkottai, directed inclusion of names of all the legal heirs of Poochiyayee in the revenue records. This order was challenged by the appellant in the Writ Petition.

3. The Writ Court while upholding the order, concluded that since the appellant himself has purchased the properties from Mariyayee, his name should also be included in the revenue records. The Writ Court also took care to observe that it has not decided about the civil rights and it has addressed only the question of mutation.

4. We see no reason to fault the Writ Court for upholding the order of the Revenue Divisional Officer except to direct that the appellant's name should also be included as a purchaser along with the other legal heirs. Once it is established that the property belongs to Poochiyayee, the mutation of revenue records should reflect the names of all the legal heirs. No single legal heir can obtain mutation claiming absolute rights and alienate the property. Therefore,



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inclusion of all the names of the legal heirs cannot be faulted. We, however, make it clear that none of the observations made by the Revenue Divisional Officer in the proceedings impugned in the Writ Petition or by the Writ Court or by us in this order will affect the appellant's title when he chooses to establish title before the Civil Court. The Civil Court will decide title, independent of the entries made in the revenue records and the observations made in these proceedings.

5. The Writ Appeal is disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No
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[R.S.M., J.] [L.V.G., J.]
30.09.2024

To:-

The Revenue Divisional Officer,
Pudukottai District.



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