



W.P.(MD)No.28 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 12.01.2024

CORAM

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.28 of 2024

N.Devadoss

...Petitioner

/Vs./

- 1.The District Collector,
Sivagangai District, Sivaganga.
- 2.The District Revenue Officer (D.R.O)
O/o. District Revenue Officer,
Sivaganga.
- 3.The Revenue Divisional Officer (R.D.O.),
Devakottai, Sivagangai District.
- 4.The Tahsildar,
Karaikudi Taluk, Karaikudi,
Sivaganga District.

5.Meenal

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to conduct enquiry and take suitable action for mutation of patta in conformity with the judgment and decree of the civil Court in A.S.No.58/1968 on the file of the Sub Court, Devakottai based on the representation of the petitioner dated 07.11.2023.



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For Petitioner : Mr.R.Sundar Srinivasan

For Respondents : Mrs.K.Christy Thebral (R1 to R4)

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents 1 to 4 herein to conduct enquiry and take suitable action for mutation of patta in conformity with the judgment and decree of the civil Court in A.S.No.58/1968 on the file of the Sub Court, Devakottai based on the representation of the petitioner dated 07.11.2023.

2. The case of the petitioner is that the father of the petitioner was in possession and enjoyment of the property in S.No.55/1 in Amaravathipudur Village, Karaikudi Taluk, Sivagangai District. While so, the name of one Chinna Rakkappan was wrongly included as joint owner in the revenue records. Challenging the same, the petitioner's father filed a suit in OS No.372 of 1966 before the District Munsif Court, Devakkottai, which was dismissed. As against the same, AS No.58 of 1968 was filed by his father before the Sub Court, Devakkottai. This appeal was allowed in favour of the petitioner's father, against which a second appeal in SA No.725 of 1970 was filed. On 01.09.1972, the second appeal in SA No.725 of 1970 was dismissed confirming



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the judgment and decree of the first appellate Court in AS No.58 of 1968, which was in favour of the petitioner's father. The petitioner's father conveyed the property to an extent of 95 ½ cents in favour of the petitioner through a registered deed. The petitioner is in possession and enjoyment of the same since then.

3. The further case of the petitioner is that the fifth respondent claimed right over the said property based on fraudulent documents and the revenue records have also been mutated in her name. The petitioner sent a representation to cancel the patta, which was wrongly mutated in the name of the fifth respondent. Since no action has been taken, the petitioner filed this writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents. Since no adverse order is going to be passed, notice to the fifth respondent is dispensed with.

5. Considering the facts and circumstances of the case, the official respondents are directed to conduct enquiry on 18.01.2024, after giving notice



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to all the necessary parties, based on the representation submitted by the petitioner on 07.11.2023 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

12.01.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes/No



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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Dated:
12.01.2024