



W.P.(MD)No.2769 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.03.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.2769 of 2022
and
W.M.P(MD)No.2446 of 2022

Mariammal

... Petitioner

Vs.

1.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

4.V.Nallammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the Impugned Order passed by the 1st respondent in Na.Ka.No.T6/6272/2020, dated 07.01.2022 and quash the same as illegal.

For Petitioner : Mr.V.M.Jegadeeshapandian



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W.P.(MD)No.2769 of 2022

For R1 - R3 : Mr.M.Lingadurai
Special Government Pleader

For R4 : Mr.K.Jeyamohan

ORDER

The petitioner challenges the order of the 1st respondent in Na.Ka.No.T6/6272/2020, dated 07.01.2022.

2. The primordial grievance of the petitioner is that the District Revenue Officer has gone into questions of title and proceeded to hold that the petitioner's sale deed itself is not sustainable. Further, it is also contented that the 1st respondent ought to have directed the private respondents to approach the competent Civil Court and the 1st respondent ought not to have given such findings and also issued directions for effecting mutation in the revenue records.

3. However, the learned counsel for the 4th respondent would submit that there is no illegality or impropriety in the findings arrived by the 1st respondent who has discussed the oral and documentary evidence adduced before the 1st respondent. In this regard, he would take me through the statement of the writ petitioner herself stating that the petitioner's vendors did not possess any



W.P.(MD)No.2769 of 2022

registered documents in their favour and further, the 1st respondent after

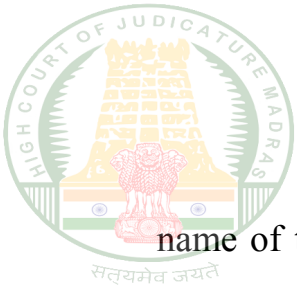
receiving a report from the subordinate revenue authorities found that, before

UDR, patta was mutated in the name of the 4th respondent's father and there is no reason for effecting mutation in the name of the petitioner's vendor at the time of UDR, that too without supporting documents.

4. The learned Special Government Pleader would submit that the 1st respondent has passed a well considered order after affording an opportunity to the petitioner as well as the 4th respondent and therefore, exercising jurisdiction under Article 226 of the Constitution of India, the order of the 1st respondent does not deserve to be interfered with.

5. I have carefully considered the submissions made on either side.

6. Admittedly, the petitioner has purchased the property in and by sale deed, dated 19.08.2008. The petitioner's vendors had been issued patta and based on the documents available with the petitioner's vendors, the petitioner has proceeded to acquire the property. However, it is the definite case of the 4th respondent that before UDR, the patta was standing only in the name of the 4th respondent's father and without any basis, whatsoever, patta got mutated in the



W.P.(MD)No.2769 of 2022

name of the petitioner's vendor's name. The 1st respondent has discussed these

aspects cogently and after verifying the revenue records by calling for reports

from the Tashildar and Revenue Divisional Officer, has found that the claim of the 4th respondent that patta was only in the name of the 4th respondent's father

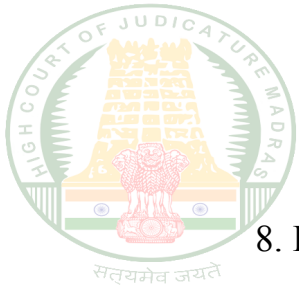
before UDR was correct and therefore, proceeded to pass the impugned order directing mutation of records, as indicated in the impugned order. However, as

contended by the learned counsel for the petitioner, it was not open to the 1st respondent to give such a finding with regard to the legality of the registered

sale deed, dated 19.08.2008 under which the petitioner purchased the property.

The 1st respondent ought not to have assumed the role of a Civil Court and rendered such a finding. Therefore, the said finding has to necessarily go.

7. In view of the above, this Writ Petition is partly allowed, expunging the findings pertaining to the petitioner's sale deed and confirming the other findings of the 1st respondent and giving liberty to the 4th respondent to approach the competent Civil Court to have the said sale deed set aside in a manner known to law.



W.P.(MD)No.2769 of 2022

8. In view of the above, this Writ Petition stands partly allowed. No costs.

WEB COPY Consequently, connected Miscellaneous Petition is closed.

28.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

- 1.The District Revenue Officer,
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Thoothukudi.
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Kovilpatti,
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- 3.The Tahsildar,
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W.P.(MD)No.2769 of 2022

P.B.BALAJI, J.

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W.P.(MD)No.2769 of 2022

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