

W.P.(MD)No.4388 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.(MD)No.4388 of 2024

R.Thrupathivasan

... Petitioner

vs.

1.The Revenue Divisional Officer,  
O/o.Revenue Divisional Officer,  
Uthamapalayam, Theni District.

2.The Tahsildar,  
Taluk Office, Uthamapalayam,  
Theni District.

3.Balamurugan  
4.Amutha

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Letter in Na.Ka.No.2322/2023/A2, dated 30.12.2023 issued by the second respondent and to quash the same as illegal and consequently, to direct the second respondent to issue pata in the name of the petitioner, his mother, namely, Jagathambal and his brother, namely, Vishnuram Moorthy within the stipulated time fixed by this Court.



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For Petitioner :Mr.A.Rajaram  
For R1 and R2 :Mrs.K.Malathi  
Additional Government Pleader  
For R4 and R4 :No Appearance  
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### **ORDER**

The petitioner challenges the order of the second respondent, dated 30.12.2023 in Na.Ka.No.2322/2023/A2.

2.I have heard Mr.A.Rajaram, learned Counsel for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader for the respondents 1 and 2.

3.The case of the petitioner is that the petitioner's father has purchased the property as early as in the year 1964 and the documents including revenue records have been mutated in the name of the petitioner's father. Subsequent to his demise, Patta No.2720 was also issued in the names of the petitioner and his mother and brother. The petitioner, thereafter, came to know about a forged sale deed created by the third respondent, based on which, joint patta has been issued including the names of the third and fourth respondents. The petitioner



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has, therefore, given a representation to the second respondent seeking removal of the names of the third and fourth respondents in the joint patta. The second respondent, thereafter, considered the said representation of the petitioner and passed the impugned order, dated 30.12.2023, directing the petitioner to approach the competent civil Court. The said order is under challenge in the present Writ Petition.

4.The learned Counsel for the petitioner submits that the impugned order has been passed without giving due opportunity to the parties to submit relevant documents and he submits that if the third and fourth respondents had been enquired into and had been called upon to furnish the documents, the forgery would come to light and only on the basis of the alleged sale deed in their favour, the patta has been mutated.

5.Admittedly, based on the alleged registered sale deed, patta has been jointly mutated in the names of the petitioner and his mother and brother as well as in the names of the third and fourth respondents. When it is the specific contention of the petitioner that the said sale deed is a forged document, the petitioner cannot expect the revenue authorities



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to conduct a roving enquiry into the disputed questions of fact and give a finding that the particular document is a forged document.

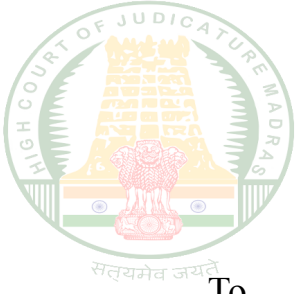
6.The only avenue open to the petitioner is to approach the competent civil Court and seeks redressal of his grievance, if at all he is aggrieved by the inclusion of the names of the third and fourth respondents in the joint patta based on the alleged forged sale deed in their favour. Therefore, I do not find any perversity or illegality in the findings arrived at by the second respondent. The petitioner is at liberty to approach the competent civil Court questioning the right of the third and fourth respondents and the forged sale deed, which, according to the petitioner, is a forged document, based on which alone mutation was effected by including the names of the third and fourth respondents in the joint patta.

7.Giving such liberty, the Writ Petition is dismissed. No costs.

Index :Yes / No  
Internet :Yes / No  
NCC :Yes / No  
cmr

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**P.B.BALAJI, J.**

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