



W.P.(MD)No.6094 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.6094 of 2025

and

W.M.P.(MD)Nos.4477 & 4478 of 2025

1. Thavamani
2. Senthil @ Senthilkumar
3. Gowri

: Petitioners

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The District Revenue Officer,
Madurai District,
Madurai.
- 3.The Tahsildar,
Madurai North Taluk,
Madurai District.

- 4.M.Baskaran,
- 5.Jansirani

: Respondents



W.P.(MD)No.6094 of 2025

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records pertaining to the impugned notice issued by the 2nd respondent in Ne.Mu.No.E-2323719/2024/G5 dated 21.01.2025 and quash the same.

For Petitioners : Mr.L.Siva

For Respondents : Mr.Lingadurai for R1 to R3

Mr.Raguvaran Gopalan

for Mr.N.Satish Babu for R4 & R5.

Additional Government Pleader

ORDER

Heard the learned Counsel for the parties.

2.The grievance of the petitioner is that the petitioner's entitlement of 13 cents in S.No.206/1 was also alienated by one Pappu, through predecessors in title of respondents 4 & 5. Learned Counsel for the petitioner would take me through the title documents, in and by which the predecessor in title of respondents 4 and 5 were entitled to only 30 cents and the remaining 13 cents was entitled to Muthuveyandi Thevar, under whom the writ petitioner claims. Though the entire extent in S.No.206/1 is admittedly only 43 cents, the claim of the petitioner is under a registered Will dated



W.P.(MD)No.6094 of 2025

27.08.1958, executed by Muthuveyandi Thevar, in favour of the petitioner's father Ramasamy. This Will only pertains to 13 cents under registered Partition Deed between three brothers in the year 1959. However, the predecessors in interest of the respondents 4 and 5, who are entitled only to 30 cents have proceeded to execute the rectification deed in the year 2007, as if entire extent available in S.No.206/1 belong to the said Pappu.

3.*Prima facie*, I am able to see that the said Pappu, did not have any title in respect of 13 cents, though there are claims made in the rectification deed as to how she became entitled to 13 cents. This is a matter which can be adjudicated only before the competent civil Court. Now, in and by the impugned order, the second respondent has set aside the order passed by the Subordinate revenue officials in respect of the same and directed the parties to work out their remedy before the competent Civil Court, in respect of the entire S.No.206/1, measuring 43 cents. I do not see any difficulty in upholding the right of the private respondents in respect of 30 cents in S.No.206/1, over which the petitioner also has no claim. The dispute is only with respect to 13 cents, which is allotted to Muthuveyandi Thevar, under registered Partition Deed dated 17.08.1959 and subsequently, bequeathed to the petitioner's father by registered Will dated 27.08.1958.



W.P.(MD)No.6094 of 2025

WEB COPY

4. Therefore, the Writ Petition is disposed of, in the following terms:

- (i) The impugned order is set aside;
- (ii) Patta shall be mutated in favour of the respondents 4 and 5, only in respect of 30 cents in S.No.206/1;
- (iii) In respect of 13 cents, the revenue records shall be kept in suspense and the petitioner is directed to approach the competent Civil Court seeking necessary reliefs of partition / declaration, as he may be advised;
- (iv) It shall also be open to the respondents 4 & 5 to adjudicate their rights in pursuance of the rectification deed covering the entire extent of 43 cents;
- (v) Any proceedings before the competent civil Court shall be decided strictly on merits and without being influenced by any of the observations made in the present order.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
MR



WEB COPY



W.P.(MD)No.6094 of 2025

To

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai District,
Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai District.



WEB COPY



W.P.(MD)No.6094 of 2025

P.B.BALAJI., J.

MR

W.P.(MD)No.6094 of 2025

25.04.2025