

W.P.(MD)No.8573 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 02.04.2025

DELIVERED ON : 15.04.2025

CORAM

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

W.P.(MD)No.8573 of 2022

and

W.M.P.(MD)Nos.6312 & 6316 of 2022

M.S.Prabu

: Petitioner

Vs.

- 1.The District Collector,
The District Collectorate,
Trichy - 620001.
- 2.The District Revenue Officer - cum-
District Additional Magistrate ,
The District Revenue Officer,
Trichy.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Trichy.
- 4.The Tahsildar
Thiruverumbur Taluk,
Trichy - 620013.



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5.The Zonal Deputy Tahsildar,
Thiruverumbur Taluk,
Trichy - 620013.

6.R.Shanmugam

7.R.Lakshmi

8.S.Vijayalakshmi

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India , praying this Court to issue of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order made in Na.Ka.aa6/23394/2021 dated 21.03.2022 passed by the 2nd respondent and consequential impugned order passed by the 5th respondent in TR.2022/0103/15/277344TR dated 10.04.2022, quash the same and consequently issue patta in favour of the petitioner on the basis of the report filed by the 4th respondent in Na.Ka.A2/2218/2020 dated 29.07.2020, within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents 1 to 5 : Mr.C.Satheesh

Government Advocate

For Respondent 6 & 8 : Mr.K.S.Nagakumaran

For Respondent 7 : Mr.N.S.Karthikeyan



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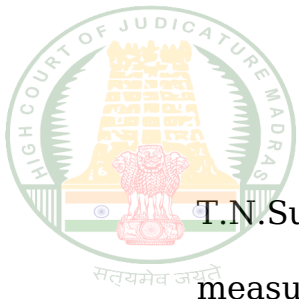
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ORDER

The writ petitioner challenges the order of the second respondent dated 21.03.2022 and the consequential order of the fifth respondent dated 10.04.2022 and consequently seeks issuance of patta in his favour on the basis of the report of the fourth respondent dated 29.07.2020.

2. Heard Mr.P.R.Prithiviraj, learned Counsel appearing for the petitioner, Mr.C.Satheesh, learned Government Advocate appearing for the respondents 1 to 5, Mr.K.S.Nagakumaran, learned Counsel appearing for the respondents 6 to 8 and Mr.N.S.Karthikeyan, learned Counsel appearing for the seventh respondent.

3. The petitioner claims to be grandson of one Narasupillai, who was owning vast extent of lands in Guntoor Village, Tiruverumbur Taluk, Trichy District. The said Narasupillai, died leaving behind his wife Kumudavalli and his sons T.N.Srinivasan, T.N.Sankaran, T.N.Suriyanarayanan, T.N.Ramakrishnan and T.N.Gopalakrishnan, as his surviving legal heirs. The writ petitioner is son of the above mentioned T.N.Suriyanarayanan. According to the petitioner, in and by registered partition deed dated 27.12.1967, in Document No.63 of 1968, the petitioner's father

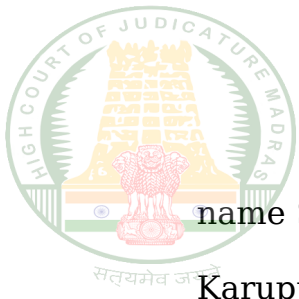


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T.N.Suriyanarayanan was allotted various items of property measuring total extent of 30 acres, which included an extent of 39 cents in S.No.128/A in Guntoor Village, Tiruverumbur Taluk, Trichy District.

4.The further case of the petitioner is that his father died on 19.05.2014, leaving behind his wife Kalyani and sons M.S.Loganatha Babu, M.S.Prabhu [writ petitioner] and M.S.Sridhar, as his only Class-I legal heirs. The petitioner along with his mother and brothers claim to be in absolute possession and enjoyment of the lands in S.No.128/1A, without any interference from any quarter. However, the petitioner came to know that the name of the sixth respondent was wrongly entered in the 'A' register and chitta. Hence, the petitioner made a representation to the first respondent on 01.08.2018, to rectify the error. The representation came to be forwarded to the fifth respondent. As no action was taken by the fifth respondent, the petitioner filed W.P.(MD)No.1104 of 2019, before this Court and by order dated 05.09.1996, this Court directed the third respondent to dispose of the petitioner's application within a period of eight [8] weeks.

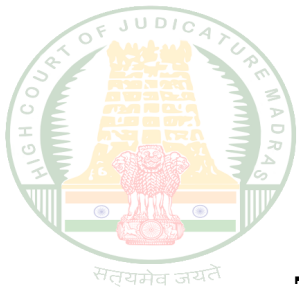
5.Pursuant to the said order of this Court, the third respondent conducted enquiry and the Taluk Inspector, Thiruverumbur Taluk also filed his report dated 30.01.2020, pointing out an alteration of



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name Shanmugam son of Rengaraj in the place of Shanmugam son of Karuppaiya. The Village Administrative Officer, Guntoor, also filed a report on 29.06.2020, on similar lines. Thereafter, the fourth respondent conducted a detailed enquiry, where the sixth respondent claim that he has purchased the subject property even in the year 1983 and however, he could not be able to substantiate the same by producing any registered sale deed as claimed by him. After conducting a detailed enquiry, the fourth respondent has filed a report recommending patta to be granted in the petitioner favour.

6.Subsequent to the receipt of the report from the fourth respondent, the third respondent conducted an enquiry and by proceedings dated 23.08.2021, the case was transferred to the second respondent, citing that the matter pertains to UDR issue. However, the second respondent directed the fourth respondent to measure the property in S.No.62/5G, which according to the petitioner was totally irrelevant to the facts of the present case, since the dispute was only pertaining to S.No.128/1A. The second respondent, according to the petitioner, without providing personal hearing to the writ petitioner and ignoring the reports of the fourth respondent and the Village Administrative Officer, has proceeded to pass the impugned order. The learned Counsel, therefore, prays for the Writ Petition being allowed, as prayed for.



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7.Per contra, learned Counsel appearing for the respondents 6 to 8 would submit that the lands measuring 39 cents in S.No.128/1A was purchased by the sixth respondent from one T.N.Ramakrishnan son of T.V.Narasupillai, under registered sale deed dated 03.06.1983 in Document No.3637 of 1983 and that the sixth respondent has been in possession and enjoyment of the said lands. He would further submit that the sixth respondent has settled the property in favour of his wife / 8th respondent by registered sale deed dated 24.03.2022 and based on the same alone, patta was mutated in the name of the eighth respondent.

8.Learned Counsel would further submit that the second respondent after fullfledged enquiry, has rightly rejected the petitioner's claim and that the petitioner has not produced any revenue records to establish that the partition deed was acted upon. He would further submit that when the petitioner's father himself was allotted only 2.07 acres in Guntoor village, there is no explanation as to how an extent of 2.62 acres in S.No.62/5 was settled in favour of the petitioner by his father vide settlement deed dated 27.05.2011 in registered Document No.2687 of 2011. He would further submit the at the time of UDR survey, the petitioner's grandfather's name and his elder paternal uncle T.N.Srinivasan's name alone were reflected in the revenue records and therefore,



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there is absolutely no error in the order impugned in the Writ Petition. He would further submit that when the petitioner claims the sale deed in favour of the sixth respondent to be forged, when petitioner's father never chose to question the sale deed or seek for rectification of the revenue records for several decades together, it is not open to the petitioner to seek for modification of entries in the revenue records and he would submit that the only remedy open to the petitioner is to approach the Civil Court and establish title to the disputed property. He would therefore, pray for dismissal of the Writ Petition.

9. Learned Counsel for the seventh respondent would submit that the seventh respondent has no interest in the subject property which was not allotted to the seventh respondent's husband. Therefore, seventh respondent is not interested in this issue.

10. I have carefully considered the submissions advanced by the learned Counsel for the parties.

11. The grievance of the writ petitioner is that the lands in S.No.128/1A was allotted to the petitioner's father T.N.Suriyanarayanan and after his demise, his legal heirs including the petitioner have been in peaceful possession and enjoyment of the same.



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12.As reference was made to deposition of the seventh respondent Lakshmi and her son stating that T.N.Ramakrishnan, the husband of the seventh respondent never executed any sale deed in favour of the sixth respondent, I had therefore, called for the original files, which were also produced before me. I find that the seventh respondent has categorically deposed that her husband was not allotted the subject property namely 39 cents in S.No.128/1A and that he had no occasion to execute any sale deed in favour of the sixth respondent. However, I also find a subsequent statement made by the seventh respondent, stating that the signatures found in the sale deed dated 03.06.1983 are only that of her husband. This statement was given by the seventh respondent in December, 2020. Therefore, I find there are conflicting versions with regard to the alienation by T.N.Ramakrishnan, in favour of the sixth respondent.

13.Be that as it may, on going through the partition deed, it is a registered document. I find that T.N.Ramakrishnan, was never allotted the subject 39 cents in S.No.128/1A and the same was allotted only to the father of the writ petitioner T.N.Suriyanarayanan and not T.N.Ramakrishnan.



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14.The reference made by the respondents 6 and 8 to lands in S.No.62/5, apparently has no bearing on the lands in S.No.128/1A. The second respondent, has unfortunately, assumed that there has been an oral exchange of lands pertaining to S.No.128/1A and S.No. 62/5G. The second respondent is a *quasi judicial* authority and it is really unfortunate that without even such a case pleaded by any of the parties, the second respondent has assumed an oral exchange to have taken place between T.N.Ramakrishnan and T.N.Suriyanarayanan, which in law requires to be in writing and also registered and proceeds to reject the petitioner's application for removing the name of the sixth respondent and consequently, issue patta to the petitioner. The order of the second respondent is clearly perverse and liable to be set aside and the consequential order passed by the fifth respondent also is liable to be quashed.

15.In fine, the Writ Petition is allowed, the order of the second respondent dated 21.03.2022 and consequential order of the fifth respondent dated 10.04.2022, are hereby quashed and the fourth respondent is directed to issue patta to the petitioner and the other legal heirs of late T.N.Suriyanarayanan. The said exercise shall be carried out within a period of eight [8] weeks from the date of



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receipt of a copy of the order. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

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P.B.BALAJI., J.

MR

PRE-DELIVERY ORDER MADE IN
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