



W.P.(MD) No.9286 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.9286 of 2024

and

W.M.P(MD)Nos.8449 and 8450 of 2024

Narayanan Chettiar Trust,
Represented by its Managing Trustee,
T.Narayanan

... Petitioner

vs.

1.The District Revenue Officer,
Madurai, Madurai District.

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

3.The Tahsildar,
Taluk Office,
Thiruparankundram,
Madurai District.

4.Sulthana

5.Suraiya Sulthana

6.Kousiya Sulthana



W.P.(MD) No.9286 of 2024

WEB COPY

7.K.Anish Saththar,
Tahsildar,
Taluk Office,
Thiruparankundram
Madurai District.

... 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 relating to the impugned order passed by the third respondent under Na.Ka.No. 8662/2014/F1, dated 13.03.2024 and quash the same as illegal and quash the same and consequently relegate the respondents 4 to 6 to approach the civil Court to establish their title.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.S.Kameswaran
Government Advocate for R1 to R3
Mr.RR.Kannan for R4
R5 & R6-Expired
No Appearance for R7

ORDER

The petitioner challenges the impugned order passed by the third respondent in and by the proceedings in Na.Ka.No.8662/2014/F1, dated 13.03.2024.



W.P.(MD) No.9286 of 2024

WEB COPY

2.Heard Mr.V.R.Shanmuganathan, learned counsel appearing for the petitioner, Mr.S.Kameswaran, learned Government Advocate appearing for the respondents 1 to 3 and Mr.RR.Kannan, learned counsel appearing for the fourth respondent.

3.The learned counsel for the fourth respondent brings to my notice that the respondents 5 and 6 are no more.

4.However, the learned counsel for the petitioner submits that the petitioner is not pressing the writ petition against the respondents 5 and 6 and it would be suffice to hear the writ petition in the presence of the fourth respondent.

5.The learned counsel for the petitioner would take me through the impugned order and the findings rendered by the third respondent placing reliance on the order of the first respondent/District Revenue Officer on 25.09.2024 in Ni.Mu.No.41269/11(G5) and would contend that when the District Revenue Officer had given a categorical finding that the petitioners therein, who are the respondents 4 to 7 in the present writ petition, had failed to establish their



W.P.(MD) No.9286 of 2024

WEB COPY

right to the subject lands and therefore, in and by the impugned proceedings, the third respondent ought not to have directed mutation of patta in the names of the private individuals.

6.However, the learned counsel for the fourth respondent would submit that the respondents have produced documents in support of their claim for title, right from 1887 onwards and the third respondent has considered all those documents and further, as contended by the learned counsel for the petitioner, the third respondent in and by the impugned order has not directed patta to be issued to the private respondents but only restoration of the names as found before the UDR settlement. He would, therefore, submit that it is open to the petitioner to approach the competent civil Court to establish title and it is not necessary for the private respondents to file a suit and establish title, which was also not a direction issued by the third respondent.

7.The learned Government Advocate appearing for the official respondents 1 to 3 would submit that the impugned order passed by the third respondent is a well reasoned order, after considering all the documents produced by the rival



W.P.(MD) No.9286 of 2024

WEB COPY

parties and the same does not require interference under Article 226 of the Constitution of India.

8.I have paid my anxious consideration to the submissions advanced by the learned counsel on either side.

9.On going through the impugned order, I find that the third respondent has apparently referred to a finding of the District Revenue Officer to order mutation of patta in the name of Gulam Mohammed Ravuthar in respect of 91 cents comprised in S.No.151/7 and in respect of S.No.151/8 measuring 1 acre and 17 cents alone. The third respondent has directed the patta to be restored in the names of three persons, namely, Mangaiyan Ambalam, Veeranan Ambalam and Nallpuliyan Ambalam, as it stood prior to the UDR settlement. As rightly contended by the learned counsel for the petitioner, on going through the order of the first respondent, I do not find any such finding or direction issued to mutate patta in respect of S.No.151/7. In fact, there is a specific finding that the claim to right in S.No.151/7 has not been satisfactorily established. Therefore, such a finding arrived at by the third respondent is clearly erroneous and the said finding



W.P.(MD) No.9286 of 2024

WEB COPY

is necessarily required to be set aside by this Court. It shall be open to the petitioner and, if necessary, the private respondents to approach the competent civil Court to to establish their title and thereafter, seek for mutation of revenue records in their respective names.

10. With the above observations, this Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

28.02.2025

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

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WEB COPY



W.P.(MD) No.9286 of 2024

P.B.BALAJI, J.

sjj

W.P.(MD) No.9286 of 2024

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