WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2025

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

W.P.(MD).No.8538 of 2023

Venkateshwari ... Petitioner

Vs.

1. The District Collector,
   Thanjavur,
   Thanjavur District.

2. The Revenue Divisional Officer,
   Thanjavur,
   Thanjavur District.

3. The Thasildar,
   Thanjavur Taluk,
   Thanjavur District.

4. Vaithagi

5. Swaminathan ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the the 2nd Respondent to cancel the Patta in the name of the respondents 4 and 5 in respect of the properties in S.No.90/9 to an extend of 8.50 ares, 110/7 to

https://www.mhc.tn.gov.in/judis

WEB COPY

an extend of 13.5 ares, and 110/8 to an extend of 13.5 ares in Kurungallur, Thanjavur Taluk, Thanjavur District and issued patta in favour of the petitioner and her children who are legal heirs of the deceased Sundaramurthy in the light of partition deed dated 25.05.1974 bearing Doc. No.664/1974, on the file of Sub-Registrar Office, Karuthattankudi by disposing the petitioner's appeal petition dated 05.05.2022.

For Petitioner	: Mr.R.Surianarayanan
For R1 to R3	: Mrs.S.Jeya Priya Government Advocate
For R4	: Mr.Raja Karthikeyan
For R5	: Tapal returned

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent to cancel the Patta issued in the name of the 4th and 5th respondents in respect of the property situated in S.Nos.90/9, 110/7, 110/8 in Kurungallur, Thanjavur Taluk, Thanjavur District and issue Patta in the name of the petitioner and her children by considering the petitioner's appeal petition dated 05.05.2022.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. Heard the learned counsel appearing for the petitioner and Mrs.S.Jeya Priya, learned Government Advocate who takes notice for the respondents 1 to 3 and Mr.Raja Karthikeyan, learned counsel who takes notice for the 4th respondent. Since no adverse order is going to be passed against the 5th respondent, notice to him is dispensed with.

3. According to the petitioner, the subject property was originally allotted to the petitioner's husband under a registered Sale Deed dated 25.05.1974. However, the revenue records stood in the name of the petitioner's father in law. Now the petitioner acquired knowledge, Patta had been wrongly mutated in favour of the 4th and 5th respondents and hence, she filed an appeal before the 2nd respondent on 05.05.2022, seeking cancellation of Patta issued in the name of the respondents 4 and 5 and issuance of Patta in the name of the petitioner and her children as the petitioner's husband is no more. The said appeal has not been considered. Hence, the petitioner has come before this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. The learned counsel appearing for the 4th respondent would submit that in respect of the subject property a Civil Suit has been filed by the 4th respondent and the same is pending.

5. The petitioner is aggrieved by the mutation of the revenue records in the name of the 4th and 5th respondents. The petitioner filed an appeal before the appellate authority viz., the 2nd respondent and the same is pending.

6. In such circumstances, without expressing any opinion on the merits of the matter, the 2nd respondent is directed to consider the petitioner's appeal petition dated 05.05.2022 and pass final orders on its own merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner and the respondents 4 and 5.

https://www.mhc.tn.gov.in/judis

WEB COPY

7. The writ petition is disposed of with the above observations. No costs.

14.07.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

https://www.mhc.tn.gov.in/judis

WEB COPY

S.SOUNTHAR, J.

rgm

To

1. The District Collector,
   Thanjavur,
   Thanjavur District.

2. The Revenue Divisional Officer,
   Thanjavur,
   Thanjavur District.

3. The Thasildar,
   Thanjavur Taluk,
   Thanjavur District.

W.P.(MD).No.8538 of 2023

14.07.2025

https://www.mhc.tn.gov.in/judis