



W.P.(MD)No.14731 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.14731 of 2024

and

W.M.P.(MD)Nos.12916 & 12919 of 2024

SP.Palaniappan

... Petitioner

Vs.

1. The District Collector
Pudukottai District,
Pudukottai.
2. The District Revenue Officer
Pudukottai District, Pudukottai
3. The Revenue Divisional Officer,
Thirumayam Taluk,
Pudukottai District.
4. The Tahsildar
Thirumayam Taluk,
Pudukottai District.
5. The Village Administrative Officer,
Kulamangalam Revenue Village,
Thirumayam Taluk,
Pudukottai District.
- 6.L.Murugappan
- 7.M.R.Lakshmanan
- 8.L.Singaram



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9. K.M.Veerappan
10.S.Ramanathan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned joint patta dated 21.04.2018 in patta No.152 in the name of the petitioner's great grandfather Krishnan Chettiar and the sixth respondent with respect to S.F.No.505/3 of Kulamangalam Village, Thirumayam Taluk, Pudukkottai District and quash the same in respect of including the name of the sixth respondent.

For Petitioner : Mr.A.N.Ramanathan

For Respondents : Mr.C.Satheesh
Government Advocate for R1 to R5

: Mr.M.Mahaboob Athiff for R6

ORDER

The petitioner challenges the order of the fourth respondent, including the name of the sixth respondent in the joint patta No.152, by order dated 21.04.2018.

2. I have heard Mr.A.N.Ramanathan, learned counsel for the petitioner, Mr.C.Satheesh, learned Government Advocate for the respondents 1 to 5 and Mr.M.Mahaboob Athiff, learned counsel for the sixth respondent.

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3. The case of the petitioner is that he is the great grandson of one Krishnan Chettiar, who was originally issued patta, in respect of S.F.No. 505/3. According to the petitioner, without any notice to the petitioner, patta was modified to include the name of the 6th respondent and on enquiry, the petitioner came to know that the 6th respondent has sold undivided half share to respondents 7 to 10 in and by a registered sale deed dated 30th March, 2023 and based on the said sale deed, the survey No.505/3 has been further subdivided as S.F.Nos.505/3A and 585/3B allotting 3.75 Ares and under 505/3 in the name of Krishnan Chettiar and an extent of 7.5 Ares each in the name of the sixth respondent and Krishnan Chettiar. Admittedly, Krishnan Chettiar died more than 40 years back and both the petitioner as well as the private respondents are unable to produce any satisfactory documentary evidence, at least, at this point of time, to establish how they get right or interest from the said Krishnan Chettiar. However both the parties claim right only under the said Krishnan Chettiar, who was issued with patta.



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4. The fourth respondent has also filed a counter affidavit where the fourth respondent questioned the patta issued in the name of Krishnan Chettiar, since the Natham settlement was only in the year 1999 and the said Krishna Chettiar, who died in 1940s would not have been granted patta by Natham settlement authorities. It is further contended by the 4th respondent that the name of the 6th respondent was included in the joint patta in and proceedings dated 21.04.2018. However, surprisingly, it is stated that the connected files and records are not available. It is also stated in the counter affidavit that Peace Committee Meeting was conducted and both the parties agreed to settle their disputes before the appropriate Civil Court.

5. From the above, it is clear that neither the petitioner nor the private respondents have been able to even prima facie establish their right to have their names mutated in the revenue records. However, they have already agreed to approach the competent Civil Court, to redress their grievances. In fact, as early as in the year 2018, patta has been issued including the name of the sixth respondent. The petitioner claiming to be great grandson of the said Krishnan Chettiar, seeks



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removal of the name of the sixth respondent. There being disputes pertaining to question of title, the petitioner ought to have approached the competent civil Court to establish firstly, he is the great grandson of Krishnan Chettiar and secondly, the said Krishnan Chettiar is entitled to Natham settlement patta and that being the successor in interest, the petitioner is entitled to mutate the patta in his name. However in the meantime, considering the fact that the name of the 6th respondent has been included in patta No.152, jointly along with Krishnan Chettiar and the 4th respondent is unable to produce the relevant records to substantiate as to how the name of the sixth respondent has been included in the said patta, it would be proper to restore the name of Krishnan Chettiar as it was originally stood in patta No.152, till such time, the petitioner approaches the competent civil Court and seeks appropriate remedy in accordance with law and subject to the outcome of the civil suit to be filed by the petitioner, the successful party at the litigation shall approach the revenue authorities, for necessary mutation thereafter. The Thasildar shall register the patta in the name of Krishnan Chettiar within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

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P.B. BALAJI, J.

LS

Order made in
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