

W.P.(MD)No.4201 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM

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

W.P.(MD)No.4201 of 2018

and

W.M.P.(MD)Nos.4347 & 4348 of 2018

S.Pradeep Sundar

: Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Special Tahsildar,
Town Survey,
Karur District,
Karur.

3.The Tahsildar,
Karur,
Karur District.

4.G.Rajammal

5.Nandakumar

6.Veerasamy

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned entry of the sixth respondent's name in the Town Survey Register in T.S.No.1620, 1621 and 1622 to an extent of 0.29 cents, 1.08 acres and 94 cents respectively, situated at Thanthoni, Karur Taluk, Karur District and quash the same and consequently direct the sixth respondent to restore the name of the petitioner in Town Survey Register in T.S.No.1620, 1621 and 1622 to an extent of 0.29 cents, 1.08 acres and 94 cents, respectively situated at Thanthoni, Karur Taluk, Karur District.

For Petitioner : Mr.Gokul Raj

For Respondents 1 to 3 : Mr.B.Saravanan

Additional Government Pleader

For Respondent No.6 : Mrs.P.Jessi Jeeva Priya

ORDER

The petitioner challenges the mutation of records by the second respondent by including the name of the sixth respondent.

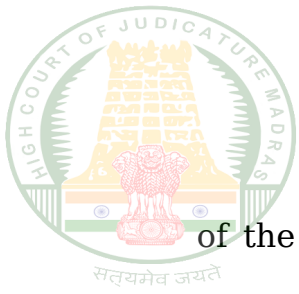
2.I have heard the learned Counsel for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mrs.P.Jessi Jeeva Priya appearing for the sixth respondent.



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3.The specific case of the petitioner is that patta had already been mutated in the petitioner's name and his sister's name based on the Will of his grandmother. Without notice to the petitioner, the revenue records have been mutated by removing the name of the petitioner and including the name of the sixth respondent. The further case of the petitioner is that the documents in favour of the sixth respondent is based on alleged power of attorney executed by the petitioner's grandmother, which according to him is a forged document. He would further submit that when the petitioner's name has been mutated, without any enquiry or even an order being passed, the records have been mutated, which is under challenge in the present Writ Petition.

4.Learned Counsel for the sixth respondent would contend that the sixth respondent has purchased the property under registered sale deed and the petitioner's grandmother during her life time had executed power of attorney based on which alone, the property had been sold on 13.04.1999, by sale deed, registered as document No.2283 in favour of the respondents 4 and 5, from whom the sixth respondent has in turn purchased the property on 02.05.2014, under registered Document No.771 of 2014. Learned Counsel would further submit that the petitioner claiming under the Will has no right to seek cancellation of the patta issued in the name



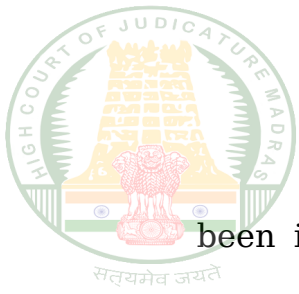
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of the sixth respondent, when the property had been dealt with by the testatrix even during her life time.

5.The learned Additional Government Pleader would submit that the mutation was done only pursuant to a registered document in favour of the sixth respondent and there is no procedural irregularity or violation as alleged by the writ petitioner.

6.I have carefully considered the submissions of the learned Counsel on both sides and I have also gone through the impugned entry.

7.On perusal of the impugned entry, I find that the removal of the petitioner's name and the inclusion of the sixth respondent's name in his place has been carried out without conducting any enquiry or after affording due opportunity to the parties, especially the petitioner in whose name admittedly the records stood as on that date. The remarks column also does not mention any enquiry or order that has been passed for making the necessary changes in the revenue records. From the counter filed by the second respondent and the third respondent also, I am unable to see that fair opportunity had been given to the writ petitioner, before effecting the changes in the revenue records. When the petitioner's name had



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been included in the patta based on the Will of the grandmother dated 15.12.1996, when any request for effecting change by including the name of the sixth respondent is sought for, the petitioner ought to have been put on notice and his objections heard, prior to proceeding to directly make entries in the revenue records. There has been clear violation of principles of natural justice and on this ground, I am inclined to interfere and I find the impugned order to be set aside. The name of the petitioner shall be restored in the revenue records. It shall be open to the parties who may be aggrieved to approach the competent Civil Court to redress their grievance. Mutation in the name of the petitioner to be done within a period of four [4] weeks from the date of receipt of a copy of this order.

8.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.03.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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P.B.BALAJI., J.

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