



W.P.(MD)No.18941 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.18941 of 2023

M.Shanthi

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District.
- 2.The Sub Collector,
Ramanathapuram District.
- 3.The District Revenue Officer,
Kamuthi Taluk,
Ramanathapuram District.
- 4.The Revenue Divisional Officer,
Kamuthi Taluk,
Ramanathapuram District.
- 5.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.
- 6.K.A.Krishnan
- 7.K.A.Ramesh

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order in Pa.Mu.A6-0203-2023, dated 13.03.2023 passed by the 2nd respondent and quash the same and consequentially directing to issue patta for the subject property in Natham New Survey No.531/12 and Old Survey No. 142/1 in Mustakurichi Hamlet, Kamuthi Taluk, Ramanathapuram District in the joint names of the petitioner and her co-shares.

For Petitioner : Mr.J.Barathan

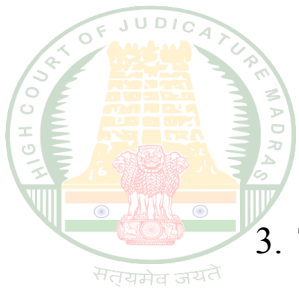
For R1 - R5 : Mr.M.Lingadurai
Special Government Pleader

For R6 & R7 : Mr.R.Babu Jeyanath

ORDER

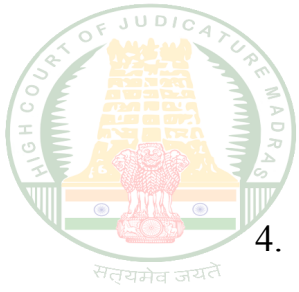
The petitioner challenges the order of the 2nd respondent, dated 13.03.2023 in Pa.Mu.A6-0203-2023.

2. Heard the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 to 5 and the learned counsel for the respondents 6 & 7.



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3. The learned counsel for the petitioner would submit that the subject property originally belonged to one Ganapathy @ Gandhi Thevar who is the maternal grandfather of the petitioner. It is the further contention of the petitioner that the said Ganapathy @ Gandhi Thevar executed a registered settlement deed, dated 23.08.1997 in favour of the petitioner's mother Banumathi. The mother of the petitioner was in enjoyment of the subject property and after her demise, the legal heirs including the petitioner are in possession and enjoyment of the subject property. However, the petitioner came to know that online patta was muted in the name of respondents 6 and 7 and therefore, the petitioner approached the 3rd respondent by making a representation on 05.01.2023 to cancel the patta in the name of the respondents 6 and 7. The 2nd respondent, issued an enquiry notice, dated 03.02.2023 and also held an enquiry on 21.02.2023, in which the petitioner has also participated. The impugned order came to be passed after the enquiry. The said order is under challenge in this writ petition on the ground that the petitioner's documents were not even considered and though respondents 6 and 7 did not even produce a single to establish their title, the 2nd respondent directed the parties to approach the Civil Court.



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4. Per contra, the learned counsel for the respondents 6 and 7 would submit that though it is claimed that the original owner Ganapathy @ Gandhi Thevar had settled a property in favour of the petitioner's mother in 1997, neither the petitioner's mother nor the petitioner or the other legal heirs of the petitioner's mother took any steps to mutate revenue records in their name. Further, it is the specific contention of the respondents 6 and 7 that the property was assigned to them by the Government and they are in physical possession and occupation constructing residential houses. The said contention of the respondents 6 and 7 is also confirmed by the learned Special Government Pleader.

5. The learned Special Government Pleader would submit that Survey No.531/12 correlating to Old Survey No.142/1 was subdivided and the Tahsildar has issued free house site pattas to poor persons, out of which respondents 6 and 7 were also beneficiaries and patta was also issued to the respondents 6 and 7. He would further submit that if at all the petitioner was aggrieved by the order of the 2nd respondent, the statutory appeal remedy was available by approaching the District Revenue Officer. However, the petitioner



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has not chosen to avail statutory remedy. He would therefore submit that there

is no perversity in the findings or conclusion arrived at by the 2nd respondent.

6. I have carefully considered the submissions made on either side and perused the material records.

7. The petitioner claims under a settlement deed executed by her maternal grandfather in favour of the petitioner's mother Banumathi. Though the said settlement is a registered sale deed, dated 23.08.1997, no steps have been taken by the petitioner's mother to mutate revenue records in her name or to assert physical possession of the subject property at her hands. The patta is now issued to the respondents 6 and 7 who are the step brothers of the mother of the petitioner, namely Banumathi, who was issued with assignment patta. The petitioner has not chosen to challenge the said assignment order in favour of the respondents 6 and 7, dated 22.05.2007. The free house site patta was only consequential to the assignment order, dated 22.05.2007. Further, the 2nd respondent has rightly found that there are dispute among relatives in the same family and therefore, the petitioner would have to approach the competent Civil Court to redress the grievance. I do not find the said finding of the 2nd



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respondent to be illegal or perverse requiring in interference of Article 226 of Constitution of India. It is always open to the petitioner to approach the competent Civil Court claiming title based on the registered settlement deed executed by Ganapathy @ Gandhi Thevar in favour of petitioner's mother Banumathi and seek appropriate relief, in accordance with law.

8. With the said liberty, this Writ Petition stands dismissed. No costs.

27.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no

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P.B.BALAJI, J.

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