



W.P.(MD)No.21587 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B.BALAJI

W.P.(MD)No.21587 of 2023
and
W.M.P(MD)No.18002 of 2023

K.Renganayaki

... Petitioner

Vs.

1.The District Revenue Officer cum
Additional Magistrate,
Trichy.

2.The Revenue Divisional Officer,
Musiri Taluk, Trichy.

3.The Tahsildar,
Musiri Taluk,
Trichy.

4.Pitchamuthu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order of the first respondent in Na.Ka.No.A6/16784/2018 dated 26.12.2020 and quash the same.



W.P.(MD)No.21587 of 2023

WEB COPY

For Petitioner : Mr.H.Arumugam

For Respondents : Mrs.K.Malathi
Additional Government Pleader
for R.1 to R.3

Mr.G.Sridharan for R.4

ORDER

This writ petition has been filed seeking issuance of a writ of Certiorari to quash the impugned order of the first respondent dated 26.12.2020.

2.The case of the petitioner is that the petitioner's mother Padmavathy was jointly entitled to share in 7.58 acres comprised in Survey No.80/3. It is admitted that patta was issued in the names of 56 members of the family. The petitioner's maternal grandfather R.K.Prasanna Venkatesa Rao as well as the petitioner's mother Padmavathy's names were duly mutated in the subject joint patta even before the UDR survey. After the demise of the petitioner's mother, joint patta in Patta No.855 was issued including all the co-owners.



W.P.(MD)No.21587 of 2023

WEB COPY

3.The case of the petitioner is that she is entitled to 7.48 acres and she has also alienated a portion of the said lands to the third parties. The Tahsildar issued separate patta in the name of the petitioner in respect of the said 7.48 acres in Patta No.1212. In the meantime, the mother of the fourth respondent claiming that she is a cultivating tenant and her name has been registered in the record of tenancy as the cultivating tenant, made an application to the third respondent. The third respondent by order dated 30.04.2012, dismissed the said application of the fourth respondent's mother. An appeal preferred by the fourth respondent's mother was also dismissed and attained finality with order of the first respondent dated 08.03.2013. Thereafter, the petitioner's mother approached the second respondent seeking to cancel the Patta No.1212 issued in the name of the petitioner alleging that the land is a common land and further she is a cultivating tenant. The second respondent accepted the case of the fourth respondent insofar as separate patta alone being issued to the petitioner, directed restoration of the joint patta in the names of all the 56 co-owners. The petitioner aggrieved by the said order of the second respondent, preferred revision before the first respondent. The first respondent remanded the matter once again to the



W.P.(MD)No.21587 of 2023

WEB COPY

second respondent. However, in the said proceedings, the first respondent has found that the fourth respondent had no right as a cultivating tenant and that the case projected by the fourth respondent's mother, that it is a common property, was also incorrect.

4. After remand, the second respondent reiterated the earlier order directing the original Patta No.855 containing 56 names to be restored, cancelling separate patta in Patta No.1212 issued in the name of the petitioner alone. Even in the said proceedings, the right of the mother of the fourth respondent was totally foreclosed, holding that she has no right. Aggrieved by the said order of the second respondent, the petitioner once again approached the first respondent who has confirmed the order insofar as the issuance of join patta in the names of 56 persons and also entitle the petitioner's name to be included in the place of the mother. However, the first respondent has proceeded to issue further directions that the petitioner is not entitled to alienate the lands belonging to the petitioner without the consent of the other co-owners.



W.P.(MD)No.21587 of 2023

WEB COPY

5.The learned counsel for the petitioner submitted that such directions / conditions cannot be issued / imposed by the revenue authorities, usurping the powers of the competent civil Courts. He also refers to Section 47 of the Transfer of Property Act, which enables a co-owner to deal with his entitlement in joint property.

6.The learned counsel appearing for the fourth respondent would submit that though the authorities have held that the fourth respondent's mother's claim on being a cultivating tenant and that the lands are common lands, has been consistently rejected through out before the District Revenue Officer, the application to recognise the lands as cultivating right is still pending. However, there are clear findings rendered by the authorities at various stages disentitling the fourth respondent's mother from being recognized as a cultivating tenant. The said order has not been challenged by the fourth respondent or her mother till today. However, he would contend that when already an application had been made even as early as in 2021, for recognizing the fourth respondent's right as a cultivating tenant, these orders should not be put against the fourth respondent.



W.P.(MD)No.21587 of 2023

WEB COPY

7. Heard the submission of the learned counsel for the fourth respondent. I do not find any patent illegality insofar as cancellation of Patta No.1212 in the absence of any release or relinquishment deed or purchase having been made by the petitioner from the other co-owners. The petitioner's name shall be mutated in the place of his mother Padmavathy and joint patta shall be issued in the names of all persons as directed by the first respondent. However, the direction regarding restraint on alienation of the property by the petitioner is wholly unsustainable and without jurisdiction and therefore, the said portion of the impugned order is liable to be set aside.

8. This writ petition is partly allowed with the above direction. It is open to the fourth respondent to prosecute his application for recognising himself as cultivating tenant. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2025

Index : Yes / No
NCC : Yes / No
NCC : Yes / No
MGA



W.P.(MD)No.21587 of 2023

WEB COPY
To

- 1.The District Revenue Officer cum
Additional Magistrate,
Trichy.
- 2.The Revenue Divisional Officer,
Musiri Taluk,
Trichy.
- 3.The Tahsildar,
Musiri Taluk,
Trichy.



WEB COPY



W.P.(MD)No.21587 of 2023

P.B.BALAJI, J.

MGA

Order made in
W.P.(MD)No.21587 of 2023

Dated:
20.03.2025