



W.P(MD)NO.24346 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :26.06.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.24346 of 2022
and
W.M.P(MD)No.18448 of 2022

Maria John

... Petitioner

.Vs.

1.The Sub-Collector,
Padmanabhapuram,
Kanyakumari District.

2.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

3.Thompson

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records on the file of the first respondent pertaining to its proceeding in Pa.Mu.A3/4046/22, dated 27.09.2022 and to quash and to quash the same and consequently direct the respondent to retain the name of the Petitioner in the patta bearing No.5058.

For Petitioner

: Mr.SC.Herold Singh



WEB COPY



W.P(MD)NO.24346 of 2022

For Respondents : Mrs.K.Malathi
1 and 2 Addl.Govt. Pleader

For Respondent-3 : Mr.C.Godwin

ORDER

The Writ Petition is filed challenging the order passed by the third respondent seeking deletion of the name of the Petitioner and others from the patta for the subject property in S.NO.484/11, Killiyoor Village, Padmanabhapuram Division, Kanyakumari District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.It is seen from the records that the third respondent herein filed a civil suit for declaration of title and recovery of possession against the Petitioner's father Rathinamani. Pending suit, the father of the Petitioner died and therefore, the Petitioner and other legal heirs of Rathinamani were brought on record. In the meantime, the Petitioner and other legal heirs moved the revenue officials seeking inclusion of their name in the patta for the subject property. The said application was allowed and their names were included in the revenue records. Aggrieved by the



W.P(MD)NO.24346 of 2022

WEB COPY

insertion of the names of legal heirs of Rethinamani, pending suit, the third respondent filed an appeal before the first respondent and the said appeal was allowed by the impugned order and the first respondent directed deletion of names of legal heirs of Rethinamani mainly on the ground that title dispute between the parties is pending disposal before the Civil Court. Aggrieved by the said order, the Petitioner is before this Court with the present Writ Petition for the relief stated supra.

4. Admittedly, the title dispute between the parties is pending in civil suit on the file of Sub-Court, Kuzhithuri in O.S.No.190 of 2012. Originally, the suit was filed against the father of the Petitioner. Subsequently, the Petitioner and other legal heirs of Rethinamani were brought on record as legal heirs/defendants 2 to 8. In these circumstances, it is not proper on the part of the Petitioner to move the revenue authorities for inclusion of their names in the revenue records. The first respondent has rightly ordered deletion of Petitioner's name which were inserted pending suit and restored the revenue records to its original position as it stood prior to the insertion of Petitioner's name. Therefore, the parties are directed to agitate their claim before the Civil Court and the Civil Court's finding will guide the revenue authorities with regard to the modification of revenue



W.P(MD)NO.24346 of 2022

records in future. I do not find anything to interfere with the order passed by the first respondent.

5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

26.06.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

1. The Sub-Collector,
Padmanabhapuram,
Kanyakumari District.
2. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.



WEB COPY



W.P(MD)NO.24346 of 2022

S.SOUNTHAR.,J.

vsn

ORDER MADE IN

W.P(MD)No.24346 of 2022

and

W.M.P(MD)No.18448 of 2022

26.06.2025