

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on: 06.11.2025

Pronounced on: 14.07.2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP.(MD) NO.15902 of 2024

and

WMP(MD) No.13835 of 2024

1. C.Appavoo
2. Thangarasu
3. Kennedy
4. G.Pushpa
5. K.Rajedendran
6. A.Bharathiraja

....Petitioners

-Vs-

1. The District Collector,
Pudukottai.
2. The District Revenue Officer,
Pudukottai.
3. The Sub-Registrar,
Keeramangalam,
Pudukottai District.
4. V.Sampathkumar

...Respondent(s)



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For Petitioner(s): Mr.C.Mahadevan

For Respondent(s): Mr.S.Saji Bino

Special Government Pleader - For R1 to R3

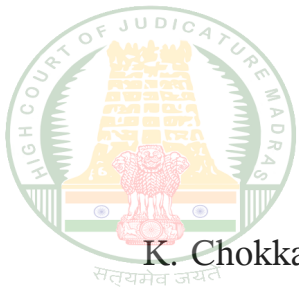
Mr.N.Dilipkumar – For R4

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the refusal check slip RFL/Keeramangalam/42/2024 dated 24.06.2024 of the 3rd respondent herein in respect of partition deed dated 19.06.2024 in respect of the property in survey No. 242/1B, keeramangalam North, Pudukottai District and quash the same.

ORDER

The present writ petition is filed for issuance of Writ of Certiorari to quash the impugned refusal check slip dated 24.06.2024 in RFL/Keeramangalam/42/2024 by the 3rd respondent in respect of partition deed dated 19.06.2024 to the property situated in survey No.242/1B, Keeramangalam North, Pudukottai District.

2. The brief facts of the case are that the petitioners are joint owners of the property situated in survey No.242/1B admeasuring 1.83 acres originally belonged to



K. Chokkalingam Pandaram, who is the father of 1st and 2nd petitioners, grandfather of 3rd, 5th and 6th petitioners and father-in-law of 4th petitioner. After the demise of the the said K. Chokkalingam Pandaram, the petitioners have been in joint possession and enjoyment of the said property and a joint patta in Patta No.711 was issued to them. They had executed a partition deed to the said property and seeking to register the same. The respondents had refused to register through the impugned refusal check slip. Aggrieved over the present writ petition is filed.

3. The contention of the 4th respondent is that the said land belongs to his ancestors K.O.K. Vaidyanathan Chettiar, son of Sri Kumarasamy Chettiar and his name is also included in the said joint patta. The 4th respondent has further stated that a civil suit in O.S. No.896 of 1967, subsequently re-numbered as O.S. No.179 of 1974, was filed seeking a declaration of title and recovery of possession in respect of Survey No.242/1. The said suit was decreed, and that the First Appeal as well as the Second Appeal were also decided in favour of the 4th respondent. Thereafter, Execution Proceedings were initiated, and ultimately, pursuant to the orders passed in C.R.P. (MD) No.248 of 2002, possession of the land forming the subject matter of the suit was handed over to the 4th respondent. He had submitted objections before



the Revenue Officials and sought to remove the name of the petitioners from the patta issued to them, when the same was not removed the 4th respondent had preferred W.P.(MD)No.24303 of 2019 and the same was allowed in favor of the 4th respondent vide order dated 19.10.2024. Hence the 4th respondent submitted that the property in question has been declared in favour of the 4th respondent in the civil suit and recovery of possession was handed over to the 4th respondent, hence he objected for registering the partition deed and prayed to dismiss the writ petition.

4. Heard Mr.C.Mahadevan Learned Counsel appearing for the petitioner, Mr.S.Saji Bino Learned Special Government Pleader appearing for respondent 1 to 3, Mr.N.Dilipkumar, Learned Counsel appearing for respondent 4 and perused the records.

5. The Learned Counsel appearing for the petitioner submitted that the subject land in the said suit is only an extent of 3 cents in Survey No.242/1. Except to the said extent, there is no decree in favour of the 4th respondent, nor is there any suit pending in respect of the remaining extent of the property. Insofar as the remaining



lands are concerned, a joint patta stands in the names of the petitioners and their father. Hence, in order to hold and enjoy their respective shares separately and to effectively enjoy the property, the petitioners entered into a Partition Deed among themselves and presented the same for registration before the Sub-Registrar, Keeramangalam. But the same was returned the Partition Deed on the ground that W.P.(MD)No.24303 of 2019 and W.P. (MD) No.20922 of 2019 are pending before this Court and that an order of injunction is in force in the said writ petitions and the document could be registered only after the said order of injunction is vacated. The further contention of the petitioner is that the said writ petitions filed by the 4th respondent pertain only to the patta proceedings initiated by the Revenue Authorities, and the dispute before the Civil Court relates only to an extent of 3 cents in Survey No.242/1. Hence, the petitioner prayed to quash the impugned check slip and direct the respondent to register the partition deed.

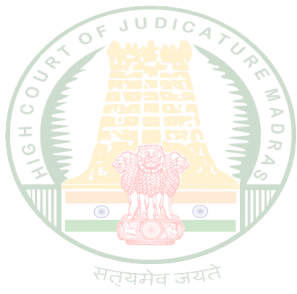
6. On the other hand, the Learned Counsel appearing for the 4th respondent submitted that the claim of the petitioner that the suit is only for 3 cents and the balance land belongs to the petitioner is totally wrong, since the entire extent of the property was sold to the 4th respondent's ancestors. The petitioners were occupying 3



cents and refused to hand over the same, hence a suit was filed for recovery of possession of the said 3 cents. But the balance portion of the land was already in possession of the 4th respondent based on the purchase from the petitioners' ancestors. The same plea was raised in W.P.(MD)No.24303 of 2019 and the Learned Single Judge had negatived the plea of the petitioners. In the said writ petition the 4th respondent V.Sampathkumar was the writ petitioner therein, he had filed the writ petition challenging the joint patta issued in favour of the writ petitioners herein i.e. C.Appavoo and others. The relevant portion of the order is extracted hereunder:

17. The basis of including the names of the respondents 4 to 9 and directing the petitioner to approach the civil Court is on the basis that the sale deed alleged to have been executed in the year 1905 is suspect since Katha Muthu Pandaram had died in the year 1900 and that during the Revision, it has been clearly stated that the possession has been taken only with reference to 3 cents and not the remaining extent.

18. The first argument does not even merit consideration in the light of the fact that in the very first proceeding before the Settlement Officer, the plea of Chokkalingam Pandaram, under whom the respondents 4 to 9 claim, was that his father Katha Muthu Pandaram had sold the property to Oppillamani Chettiar retaining an extent of 60 cents and this defense has continued right through until this novel defense now taken before the second respondent. At no point in time,



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in any of the proceedings have the respondents 4 to 9 raised any doubt about the sale deed dated 11.06.1905 executed by Katha Muthu Pandaram in favour of Oppillamani Chettiar. Therefore, the first premise on which the impugned order has been passed has to be rejected as being absurd.

19. The next contention that the orders had been pronounced in the Revision upholding the respondents 4 to 9's right to an extent of 60 cents is totally without any basis. The Civil Revision Petition had been dismissed and there is absolutely no finding in the said order that the respondents 4 to 9 are in possession of 60 cents less the extent of 3 cents.

20. The order of the Settlement Officer dated 14.10.1958, the judgment and decree in O.S.No.179 of 1974, the judgment and decree in A.S.No. 21 of 1977 and the judgment in S.A.No.346 of 1981 had not only rejected the contention of the respondents 4 to 9 that their predecessor in title Katha Muthu Pandaram had retained 60 cents when he had executed the sale deed dated 11.06.1905 to Oppillamani Chettiar, but had gone on to hold that the petitioner herein had purchased not only an extent of 1.33 acres from Katha Muthu Pandaram but an extent of 50 cents from Manickam Chettiar thereby holding that the petitioner was entitled to an extent of 1.83 acres. Since the suit was only with reference to 3 cents out of this extent of 1.83 acres, the decree is with reference to the aforesaid extent. However, the finding of the civil Court is that the petitioner is entitled to an extent of 1.83 acres. The respondents 1 to 3 have been totally



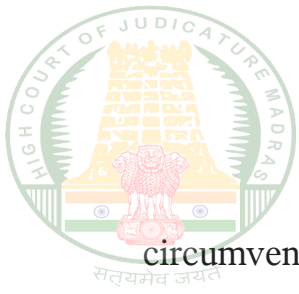
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misguided and they have deliberately chosen to ignore the findings of the civil Court and have passed the impugned order on the basis of a nonexistent order. It is also not known as to how a joint patta has been issued in respect of 1.83 acres when the respondents 4 to 9 had made a claim only with reference to 60 cents. Therefore, the impugned orders of the District Revenue Officer, Pudukottai dated 19-09-2019 in Na.Ka.No.4557/2015/D5, the Revenue Divisional Officer, Pudukottai dated 04-03-2015 issued in Ne.Mu.A6/3491/2013 and the Tahsildar, Alangudi dated 18-01-2013 in Tho.Mu.P.T.R. 143/2013/A6 are set aside and the third respondent is directed to delete the names of the respondents 4 to 9 from the patta in respect of S.No.242/1 measuring an extent of 1.83 acres.

21. In fine, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.”

7. In the above said order the petitioners title was traced and the Court had come to the conclusion that the petitioner is having title. Further in the aforesaid order it has been held that the joint patta granted to the petitioners are incorrect and quashed the joint patta. The petitioners are claiming to register the said document based on the joint patta. Hence the very basis on which the petitioner is seeking claim over the property is not there, hence the claim of the petitioner to register the partition deed cannot be granted. It is pertinent to note that in the aforesaid order it has been specifically observed that the revenue authorities had attempted to



circumvent the Civil Court's order in order to bestow favour upon persons in whom they are interested.

8. Further it is seen that the petitioners have suffered a decree against them. The plea of the petitioner that the suit is only for 3 cents is incorrect, since in the civil suit the Court had observed that the petitioner's forefathers have not retained any land but had sold the entire land. Therefore, the petitioners are not having any land at all so as to execute partition deed, consequently the same cannot be registered. The impugned order needs no interference. Hence the writ petition is liable to be dismissed.

9. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

14.07.2026

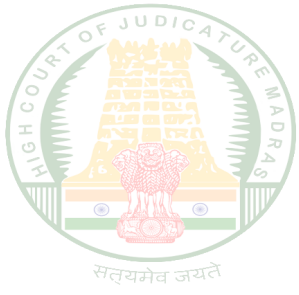
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S.SRIMATHY.J

KSA

Order made in

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