



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.06.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4671 of 2014

and

M.P(MD)Nos.1 to 3 of 2014

WEB COPY

Deivanai

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai.

3.Akilandeswari

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the order passed by the first respondent bearing Na.Ka.B1/13076/2013 dated 18.10.2013 confirming the order passed by the second respondent vide Mu.Mu.A1-6554-2012 dated 30.04.2013 and quash the same.

For Petitioner : Mr.S.Anwar Sameem
For Respondents : Mr.P.Thambi Durai
Government Advocate
for R1 and R2
M/s.H.Jasima Yasmin
for m/s.Ajmal Associates
for R3

ORDER

The present writ petition has been filed challenging an order passed by the District Revenue Officer on 18.10.2013, under which patta was transferred from the name of petitioner to the third respondent after confirming the order passed by the second respondent by his order, dated, 30.04.2013.

2. The learned counsel for the petitioner submits that the third respondent being sister of the petitioner, had executed a settlement deed in her favour on 31.08.2007. Based upon the said settlement deed, the revenue patta got mutated in the name of the writ petitioner on 04.01.2008. Five years after the execution of the settlement deed, the third respondent had unilaterally cancelled the settlement deed on 08.10.2012. Immediately, the writ petitioner has



filed O.S.No.211 of 2012 on the file of District Munsif Court, Karaikudi. In I.A.NO.410 of 2012, an order of interim injunction has been granted in favour of the writ petitioner on 17.12.2012 and the same was made absolute on 30.04.2013.

3. While the interim injunction order was operating, the third respondent had approached the second respondent for mutation of the revenue records again in her favour based upon the unilateral cancellation of the settlement deed. The second respondent has passed the order directing restoration of the revenue records in favour of the third respondent. The order was challenged by the writ petitioner before the first respondent. The first respondent has confirmed the order passed by the second respondent. These two orders are under challenge in the writ petition.

4. The learned counsel for the respondent vehemently submitted that since the settlement deed in favour of the writ petitioner has been cancelled, automatically the title of the third respondent has got restored and hence, the revenue authorities are duty bound to restore the patta in favour of the writ petitioner.

5. Admittedly, there is a title dispute between the writ petitioner and the third respondent herein. Originally the patta was mutated in the name of the writ petitioner in the year 2008 and it was standing in the name of the writ petitioner till the impugned order was passed by the second respondent on 30.04.2013. Moreover, there is an order of interim injunction operating in favour of the writ petitioner.

6. In view of the above said facts, the impugned orders passed by the respondents one and two herein are set aside. The revenue authorities are directed to restore the patta in favour of the writ petitioner. However, the restoration of patta in favour of the writ petitioner cannot be used as against the third respondent in the civil proceedings. The learned Additional District Munsif, Karaikudi is directed to dispose of the suit in O.S.No.211 of 2012 on or before 31.12.2022 without being influenced by the orders passed by the revenue authorities or by this Court in this writ petition.

7. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)



To

1.The Additional District Munsif,
Karaikudi.

2.The District Revenue Officer,
Sivagangai District, Sivagangai.

3.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

+1 CC to M/s.S. ANWAR SAMEEM, Advocate (SR-26620[F]
dated 17/06/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-26902[F]
dated 20/06/2022)

+1 CC to M/s.SPL.GP (SR-26540[F] dated 17/06/2022)

Order made in
W.P(MD)No.4671 of 2014
Dated:16.06.2022

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GC(28.06.2022) 3P 7C