



**Cont.P.(MD)No.1099 of 2022 and
W.A.(MD)No.1749 of 2021**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :07.02.2023

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**Cont.P.(MD)No.1099 of 2022
and
W.A.(MD)No.1749 of 2021
and
C.M.P.(MD)No.7399 of 2021**

Cont.P.(MD)No.1749 of 2021:

- 1.S.Surendran
- 2.R.Balachandran
- 3.G.Alagarsamy
- 4.J.Chandrasekaran
- 5.S.Karuppiah
- 6.K.Thambithurai
- 7.S.Manoharan
- 8.G.Rajmohan
- 9.Vijayalaxmi

.. Petitioners/Petitioners
Vs.

- 1.Davie Ragland
- 2.Kadirvel,
Tahsildar,
Madurai South Taluk,
District Collectorate Buildings,
Madurai-625 020.

.. Contemnor/Respondent



**Cont.P.(MD)No.1099 of 2022 and
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PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Court Act, 1971, to punish the contemnors for wilful disobedience of the order dated 15.09.2021, passed in C.M.P.(MD)No.7399 of 2021 in W.A.(MD)No.1749 of 2021.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.K.K.Kannan
for R.1
: Mr.D.Sasikumar
Additional Government Pleader
for R.2

W.A.(MD)No.1749 of 2021:

- 1.S.Surendran
- 2.R.Balachandran
- 3.G.Alagarsamy
- 4.J.Chandrasekaran
- 5.S.Karuppiah
- 6.K.Thambithurai
- 7.S.Manoharan
- 8.G.Rajmohan
- 9.Vijayalaxmi

.. Appellants/3rd party

Vs.

- 1.Davie Ragland

... 1st Respondent/Petitioner

- 2.The District Collector,
Madurai District,
District Collectorate Buildings,
Madurai-625 020.

- 3.The Tahsildar,
Madurai South Taluk,
District Collectorate Buildings,
Madurai – 625 020.

.. Respondents 2 & 3/Respondents



**Cont.P.(MD)No.1099 of 2022 and
W.A.(MD)No.1749 of 2021**

PRAYER: Appeal filed under C;aise XV pf Letters Patent Act, against the order passed by this Court in W.P.(MD)No.7965 of 2021, dated 17.04.2021.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.K.K.Kannan
for R.1
: Mr.D.Sasikumar
Additional Government Pleader
for R.2 and R.3

COMMON ORDER

DR.G.JAYACHANDRAN, J.
AND
K.MURALI SHANKAR, J.

A very intinsic issue has been placed before this Court which in the opinion of this Court, is due to the disposal of the Writ of Mandamus for an innocuous prayer to consider and pass orders on the representation be presented by one Davie Ragland who filed W.P.(MD)No.7965 of 2021 seeking Mandamus to direct the Tahsildar to issue joint patta in Survey No.2, Ramankulam Village, Madurai South Taluk to the petitioner and his sisters, as per the proceedings of the second respondent/District Collector in R.T.R.No.983/01-02/A3, dated 25.02.2010 and the proceedings of the Tahsildar, dated 18.07.2012.



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2. The case of the petitioner was that the property belongs to the mother of Davie Ragland and on her demise, it has to devolve upon Davie Ragland and his sisters. When a request was made, after enquiry, the District Collector passed proceedings in the year 2010 followed by the proceedings of the Tahsildar, Madurai South, in the year 2012 and the recommendation was not acted upon for several years and the last representation was dated 05.02.2021. The said Writ Petition was disposed of on 17.04.2021 with a direction that the petitioner to make fresh representation to the Tahsildar along with the relevant documents and also a copy of that order and on receipt of fresh representation made by the petitioner, a joint patta must be issued within a period of six weeks from the date of receipt of a copy of that order.

3. On coming to know about the said order, one S.Surendran and 8 others have filed third party appeal before this Court, which was taken on file in W.A.(MD)No.1749 of 2021. According to them, patta in Survey No.2 /2 stands in their name, which was issued pursuant to the direction of this Court made in W.P.(MD)No.16631 of 2019, dated 26.07.2019. While so, behind their back, the patta issued was cancelled and a fresh joint patta was issued in favour of Davie Ragland. At the time of admission, this Court, after considering the fact



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that two different orders of this Court in the writ proceedings been issued in favour of two different parties, with same tenor and the mischief of not impleading the other parties, has passed orders for issuance of patta in favour of S.Surendran and others earlier and the same has been cancelled and patta issued in favour of Davie Ragland and others. Therefore, interim stay was granted on 15.09.2021. However, alleging that in spite of this order restraining the respondents from acting upon the direction of the learned Single Judge, dated 15.09.2021, the Revenue Authorities have not restored the *status quo ante* prevailing before the order passed by the learned Single Judge in W.P.(MD)No. 7965 of 2021.

4. When the Contempt Petition was taken up along with the Writ Appeal to find out whether there was any act of contempt committed by the Revenue Authorities and how could the patta issued in favour of S.Surendran and others be cancelled and to issue a fresh patta in the name of Davie Ragland, the Tahsildar who is the second respondent was asked to file a status report. In the status report, dated 07.02.2023, he has revealed out the claim of patta by two different groups in respect of 2.3 acres of land in Ramankulam Village falling under Survey No.2/2 starting from revenue record prior to UDR



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settlement from the year 1967. For clarity and completion, the status report of the second respondent is extracted below:

“1. It is submitted that prior to U.D.R., S.No.2 measuring an extent of 2.94.5 Hectares of Dry land, of Ramankulam village, Madurai South, Madurai District stands registered in the S.Krishnamoorthy vide Patta No.9. According to Fasli 1377 (Year 1967) Patta No.9 stands in the name of S.Krishnamoorthy. The name of Karuppan Samban has been noted as cultivating Tenent in Column 6(b). Similarly, during Fasli 1393 (Year 1984) Patta No.9 stands in the name of S.Krishnamoorthy.

2. It is submitted that subsequently S.No.2, (Patta No. 9) has been subdivided vide TK.8A/966/1384 dated 28.06.1976 as detailed below:-

Prior to Patta Transfer			After Patta Transfer		
S.No.	Extent (In Hectares)	Patta No./ Name of Pattadar	S.No.	Extent (In Hectares)	Patta No./ Name of Pattadar
2	2.94.5	9.Krishna Moorthy	2/1	1.98.5	94. R.Felisia
Total				2.94.5	



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S. No.	Sale Deed No.	Date of Registration	Name of Seller	Name of Purchaser	Plot No.	Extent in Sq. feet
1.	2191/2004	24.12.2004	Power Agent of Chittupillai and 3 others	R.Balachadran son of Rajendran	773	3325
2.	2162/2004	24.12.2004	Vicraman Power Agent	J.Chandrasekaran son of Janaki Sessaier	784	2400
3.	2163/2004	24.12.2004	Vicraman Power Agent	G.Raja Mohan son of M.S.Gurusamy	783	2400
4.	236/2005	08.02.2005	Vicraman Power Agent	S.Surendran son of S.P.Subramanian	786 787	2400 2400
5.	239/2005	08.02.2005	Vicraman Power Agent	S.Karuppaiah son of P.Shanmugam	780	2400
6.	243/2005	08.02.2005	Vicraman Power Agent	K.Thambithurai son of A.Kuthalingampillai	789	2400
7.	1527/2005	16.08.2005	Vicraman Power Agent	S.Manoharan son of S.P.M.Sundaram	781	2400
8.	1529/2005	16.08.2005	Vicraman Power Agent	Selvaraj son of Veerasamy Naidu	778	2400
9.	3141/2007	07.09.2007	Vicraman Power Agent	G.Alagarsamy Son of Gurusamy Naidu	759	2442

The above changes finds place in Ramankulam village Adangal for Fasli 1385 (Year 1975)



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3. It is submitted that after U.D.R. settlement, S.No. 2/2 measuring 2.35 Acre of Ramankulam Village, Madurai South Taluk stands registered in the name of Chittupillai daughter of Karuppan Samban in Patta. Originally, the above land belonged to Karuppan Samban. After his demise, the above land was under the enjoyment of his daughter Chittupillai. Chittupillai has the following heirs 1.Seeni Ammal 2.Kammalatchi 3.Lakshmi,

4. It is submitted that 1.Seeniammal 2.Kammalatchi and 3.Lakshmi legal heirs of Chittupillai have appointed one Vicraman son of Sadasivam who was working in Pandian Transport Corporation as General Power Agent vide registered Document No.320/1990 dated 11.04.1990.

5. It is submitted that subsequently the Power of Attorney executed vide Registered Document No.320/1990 dated 11.04.1990 in favour of Vicraman son of Sadasivam was cancelled vide Document No.553/2001 dated 19.03.2001. After the cancellation of Power of Attorney, Vicraman has sold the plots to the private individuals as detailed below:-

6. It is submitted that Tmt.Chittupillai, the acting Pattadar expired on 03.10.2006. Hence, patta transfer was made in favour of 1.Seeniammal 2.Kammalatchi and 3.Lakshmi, the legal heirs of Tmt.Chittupillai.



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7. It is submitted that 1.Seeniammal 2.Kammalatchi and 3.Lakshmi have jointly appointed Thiru A.Mani son of M.Andi Thevar as Power of Attorney vide registered document No.500/2007 dated 13.12.2007.

8. It is submitted that as Power Agent, A.Mani sold an extent of 0.28.5 Ares (70 cents) in S.No.2/2 to M.Amma Ponnu wife of A.Mani. Based on sale deed, Patta No.355 was granted in favour of M.Amma Ponnu vide TK.8A/673/1417 dated 26.05.2008. Excluding the above 70 cents, A.Mani has sold 0.67.5 ares (1.67 Acres) in S.No.2/2. There after excluding 23 cents which was provided Samathuvapuram Tar Road on the eastern side, he has sold 1.44 Acre. Thus, A.Mani has sold the total extent of 2.35 acre (0.96.0 Ares) in S.No.2/2 to his wife Amma Ponnu as Power Agent.

9. It is submitted that as per sale deed No. 1890/2008, the disputed property was sub divided and Patta was granted vide TK.8A/48/1419 dated 01.07.2009, as detailed below:-



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Sl.No.	Survey No.	Extent in Hectares	Patta No.	Name of the Pattadar	Remarks
1.	2/2A1	0.58.0	442	M.Amma Ponnu wife of A.Mani	
2.	2/2A22	0.09.5	443	(Boosthi Road) M.Ammu Ponnu wife of A.Mani	As per village accounts

10. It is submitted that 1.Anbu Selvi and 2.Chandrakala have purchased an extent of 42.39 cents, out of 0.28.5 ares from Amma Ponnu wife of A.Mani vide Document No.1833. On the southern side of the same Survey No. Narmatha has purchased an extent of 28 cents vide Document No. 1834/2008 and Patta No.424 was granted. 1.Chandrakala wife Saravanan 2.Anbuselvi wife of Elango have purchased an extent of 0.17.9 ares in S.No.2/2B1 and Patta No.424 was granted. S.No.2/2B2 measuring 0.17.0 ares has been sub divided in the name of Narmadha wife of Chandran. As per TK.8A/1076/1429 dated .2020, S.No.2/2B2A measuring 0.15.0 ares Patta No.830 was granted in the name of Chittupillai. S.No.2/B2B measuring 0.02.23 ares Patta No.839 was granted in the name of Thambithurai son Kuthalampillai. S.No.2/2B2C measuring 0.02.23 ares, Patta No.840 was granted in the name of Karuppaiah son of Shanumugam. Thereafter as per TK./8A/933/1430, dated 05.02.2021, S.No.2/2B2A has been sub divided. S.No.2/2B2A1 measuring 0.04.51 ares, Patta No.830



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was granted in the name of Chittupillai. S.No.2/10 measuring 0.02.48 ares Patta No.825 was granted in the name of Ramalingam. Patta No.830 in S.No.2/2B1A1 has been sub divided as S.No.2/14 0.02.23 ares and Patta No.987 was granted in the name of Palanisamy son of Alagarsamy.

The details of Old Patta No. and New Patta granted are furnished below :

Sl.No.	Survey No.	Extent	Old Patta No.	New Patta No.
1.	S.No.2/2B2A	0.02.23	830	989
2.	S.No.2/2B2B	0.02.23	830	1000
3.	S.No.2/2B2C	0.02.23	840	996
4.	2/10	0.02.48	925	1002
5.	2/14	0.02.23	937	999
	Total	0.11.50		

11. It is submitted that 9 Petitioners have filed a Civil Suit in O.S No.100, 101, 104, 105, 106, 107, 108, 115 and 116/2009 before the District Munsif, Madurai Taluk with a prayer to declare that the suit property belonged to Plaintiffs and grant permanent injunction restraining the defendants and other persons interfering with the peaceful possession and enjoyment of the property.

12.It is submitted that when the Civil suit was pending with the District Munsif Court, Madurai Taluk, Surendran and



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Balachandran filed an appeal before the Revenue Divisional Officer, Madurai. The Revenue Divisional Officer, Madurai in his Rc.No.1271/2011-N dated 15.07.2019 has ordered to grant patta based on the judgment to be delivered by the District Munsif Court, Madurai Taluk.

13. It is submitted that the Hon'ble District Munsif Court, Madurai Taluk has delivered judgment in O.S.No.100, 101, 104, 105, 106, 107, 108, 115 and 116/2009 on 27.09.2016, declaring that the suit property belonged to Plaintiffs and granted permanent injunction restraining the defendants interfering with the peaceful possession and enjoyment of the property.

14.It is submitted that the details of Plots purchased by the petitioners covered by the Civil Suit are furnished below :-

SI.No.	O.S.No.	Name of Plaintiff	Plot No.	Extent in Sq.ft
1.	O.S.No.106/2009	S.Surendran	786,787	2400,2400
2.	O.S.No.101/2009	R.Balachander	773	3325
3.	O.S.No.116/2009	G.Alagarsamy	781	240
4.	O.S.No.108/2009	J.Chandrasekaran	784	2400
5.	O.S.No.105/2009	S.Karuppaiah	790	2400
6.	O.S.No.100/2009	K.Thambithurai	789	2400
7.	O.S.No.115/2009	Manoharan	759	2442
8.	O.S.No.104/2009	Rajmohan	783	2400
9.	O.S.No.107/2009	V.Selvaraj	779	2400



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15. It is submitted that the Tahsildar, Madurai South in his R.R.R.No.983/01-02/A3, dated 25.02.2009 has passed the following order “Upto 1979, the village accounts were maintained by the part time village officers. It is clear that during that period patta has been granted illegally, without following the procedure. Hence, it is ordered that defendants Lakshmi and Vicraman have no right over the suit property and ordered to transfer the patta to Rockland vagayara.

16. It is submitted that at this stage, challenging the order passed by the Revenue Divisional Officer, Madurai in R.Dis No 1271/2011m dated 15.07 2013, the respondents filed Revision Petite before the District Revenue Officer, Madurai. The District Revenue Officer Madurai in his R.Dis.No.G2/52811/2013 dated 19.06.2018 has passed the following order. “The Hon'ble District Munsif Madurai Taluk has allowed the prayer of the Plaintiffs in O.S No.100, 101, 104, 105, 106, 107, 108, 115 and 116/2009 on 27.09.2016 and granted permanent injunction restraining the defendants interfering with the peaceful possession and enjoyment of the property. Hence, the order passed by the Revenue Divisional Officer, Madurai, is set aside. The patta No.348 granted in the name of the respondents are cancelled. The Tahsildar, Madurai South is directed to grant patta for Plot No.773 and 787 in the name of Balachandran and Surenderan.



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17. It is submitted that the Hon'ble Maduar Bench of Madras High Court has passed the following order in W.P. (MD) No.16632/2019 dated 28.07.2019 filed by the petitioners. "The 4th respondent is hereby directed to consider the representations of the petitioners 1 and 2 dated 20.09.2018 and other petitions made in February 2019, and decide the same on merits and in accordance with law, of course on the basis of the Civil Court decrees referred to above as well as the order passed by the District Revenue Officer i.e 2nd respondent dated 19.05.2018 and, accordingly take a decision and pass final orders within a period of six weeks from the date of receipt of a copy of this order"

18. It is submitted that S.No.2/2 measuring 0.96.0 Hectares of Ramankulam Village, Madurai South Taluk. The sale done by Vicraman in the capacity as Power Agent vide Doc.No.320/1990 dated 11.04.1990 has been allowed by the Civil Court. The District Revenue Officer, Madurai in his R.Dis.No G2/52811/2013, dated 19.06.2018 has passed the following order. "The Hon'ble District Munsiff, Madurai Taluk has allowed the prayer of the Plaintiffs in O.S.No. 100, 101, 104, 105, 106, 107, 108, 115 and 116/2009 on 27.09.2016, and granted permanent injunction restraining the defendants interfering with the peaceful possession and enjoyment of the property. Hence, the order passed by the Revenue Divisional



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Officer, Madurai is set aside. The patta No.348 granted in the name of the respondents are cancelled, The Tahsildar, Madurai South is directed to grant patta for Plot No.773 and 787 in the name of Balachandran and Surendran.

19. It is submitted that the Government Pleader, District Court, Madurai has reported that no appeal has been preferred challenging the judgment delivered by the District Munsif, Madurai Taluk in O.S.No.100, 101, 104, 105, 106, 107, 108, 115 and 116/2009 on 27.09.2016.

20. It is submitted that the Tashsildar, Madurai South has issued notice to Tmt.Amma Ponnu wife of Mani, acting Pattadar on 20.09.2019 and 07.11.2019 to appear for enquiry on 03.10.2019 and 22.11.2019. The notice issued by the Tahsildar, Madurai South has been returned stating that Tmt.Amma Ponnu is not residing the in the above address.

21. It is submitted that the Tahsildar, Madurai South has cancelled the Patta No.348 and taken to original position in the name of Chittu Pillai in Patta No.25. As per Civil Court judgment and decree, patta has been granted to 9 persons, after sub division by the Tahsildar, Madurai South on 07.01.2020.

22. It is submitted that as ordered by the Tahsildar, Madurai South, patta has been granted in the name of Chittupillai wife of Kilavan and 9 individuals who have filed the Civil suit before the District Munsif Court, Madurai Taluk.

23. It is submitted that as per the judgment delivered by this Hon'ble Court in W.P.(MD)No.7965 of 2021, dated



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17.04.2021, David Rockland preferred application for the grant of patta based on the sale deed executed 12.09.1966, in S.No.2 measuring 7 acre and 28 cent of Ramankulam Village, Madurai South Taluk. All the pattas granted were transferred and joint patta was granted in the name of 1.Prema Michel, wife of George Michel, 2.Lalitha Noyal, 3.Mahima Rockland, 4.David Rockland.”

5. This report gives a clear picture how the lopsided proceedings been carried out by the Revenue Department probably due to the directions of this Court in the writ petitions, where not all persons interested in the writ petitions were made parties to put forth their case, particularly, in the writ petition filed by S.Surendran and others, Court has not taken note of the patta in favour of the predecessors of Davie Ragland, who had title and patta for larger extent of land (7 acres and 28 cents) including the land in Survey No.2/2 and whereas S.Surendran and others trace their title through one Vikraman, Power of Attorney of Chittupillai, who claims title through Kilavan Samban and Krishnamoorthi Iyer.

6. There are revenue records produced across the Bar in the pending appeal, which gives an impression that both the groups viz., Davie Ragland and



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S.Surendran have derived title through different persons, who had semblance of title. There are also allegations and counter allegations that the documents possessed by the other party are forged documents. So, in order to give a quietus to this issue, *dehors* of all observations made earlier by the Single Judge or Division Bench of this Court in connection with this property, the District Revenue Officer, Madurai shall take up the enquiry dispassionately, after causing notice to both the parties and all other parties interested, call for verification of the genuineness of the revenue records placed by them. Appropriate decision to be taken up in respect of the property in Survey No.2/2, Ramankulam Village, measuring 2 acre 35 cents. It is again reiterated that the orders of the High Court by the Single Judge as well as the Division Bench passed earlier were not passed after hearing both the rival claimants and therefore, the decisions taken by the authorities earlier suffer arbitrariness and violation of natural justice principle. Taking this into mind, a proper notice to all the parties concerned to be issued and after due enquiry, the order regarding the person entitled for patta in respect of Survey No.2/2, Ramankulam Village, measuring 2.35 acres be decided. Such order to be preferably passed within a period of four months from the date of receipt of a copy of this order. Till then, the interim stay granted at the time of admitting the Writ Appeal shall stand.



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7. In view of the above order passed in the Writ Appeal, the contempt petition, which is filed for disobedience of the interim order passed in the pending Writ Appeal is closed.

8. In the result, the Writ Appeal is disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petition is closed.

**[G.J., J] & [K.M.S., J]
07.02.2023**

Index : Yes / No
Internet : Yes / No
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To

1. Kadirvel,
Tahsildar,
Madurai South Taluk,
District Collectorate Buildings,
Madurai-625 020.

2. The District Collector,
Madurai District,
District Collectorate Buildings,
Madurai-625 020.



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3. The Tahsildar,
Madurai South Taluk,
District Collectorate Buildings,
Madurai – 625 020.

4. The District Revenue Officer,
Madurai.



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