



W.A.(MD)No.1854 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1854 of 2023

and

C.M.P.(MD)No.14175 of 2023

A.Murugesan

... Appellant

Vs.

1.K.Paramasiva Mudaliar

2.N.Mani

3.The District Revenue Officer,
Tirunelveli, Tirunelveli District.

4.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.

5.The Tahsildar,
Sankarankovil, Tirunelveli District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.1818 of 2015, dated 24.08.2023 on the file of this Court.



For Appellant : Mr.F.X.Eugene
For R1 & R2 : Mr.R.Karunanithi
For R3 to R5 : Mr.S.P.Maharajan,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **V.LAKSHMINARAYANAN, J.**)

The property, which is subject matter of the Writ Appeal, originally belonged to three brothers, namely, Arumuga Mudaliar, Narayana Mudaliar and Paramasiva Mudaliar. Narayana Mudaliar is the father of the 2nd writ petitioner. Paramasiva Mudaliar and Arumuga Mudaliar are still alive and Murugesan / 4th respondent in the Writ Petition is the legal representative of Arumuga Mudaliar.

2.On the date of death of Arumuga Mudaliar, patta was mutated exclusively in the name of Murugesan, S/o.Arumuga Mudaliar. Prior to such mutation the parties alleged that they were not put on notice.

3.The learned Single Judge directed the restoration of the revenue records in the name of Paramasiva Mudaliar, Murugesan as well as N.Mani S/o.Narayana Mudaliar. In other words, he restored *status-quo ante* prior to the separate mutation in favour of Arumuga Mudaliar.



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4.Mr.F.X.Eugene, learned counsel appearing for the appellant would contend that there has already been a partition in the family and therefore, it is in the revenue records only reflect partition that had already taken place and the learned Single Judge erred in passing the order in restoring the position, which exist prior to the revenue records issued in the name of the 4th respondent in the Writ Petition.

5.This is stoutly objected by the learned counsel for the writ petitioners / the respondents 1 & 2 before us. He would plea that the respondents 1 & 2 are also entitled to have a right over the property.

6.The issues as to whether there has been a partition in the family and this property has been allotted to the 4th respondent / appellant are the matter, which are alien to the Writ proceedings. Therefore, the parties have to workout their remedy before the jurisdictional civil Court either for partition or for declaration of title. The revenue records do not confer any right over any person and mere fact that the revenue record stands in the name of the writ petitioner or the 4th respondent in the Writ Petition is not giving any benefit to them, when they



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are before the civil Court. In the event a Suit is presented, the civil Court shall decide the matter uninfluenced by the observations made in the Writ Petition.

7. Accordingly, this Writ Appeal stands dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

24.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

1. The District Revenue Officer,
Tirunelveli, Tirunelveli District.
2. The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.
3. The Tahsildar,
Sankarankovil, Tirunelveli District.



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

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