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W.A.No.1669 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No.1669 of 2024
and
C.M.P.No.11809 of 2024

- 1.Padmini @ Gowri
- 2.B.Manoharan
- 3.M.Mohan
- 4.K.Krishnan

...Appellants

Vs.

- 1.Immanuel John
- 2.The Collector,
Nilgiris District.
- 3.The District Revenue Officer,
Nilgiris, Nilgiris District.
- 4.The Revenue Divisional Officer,
Coonoor, Nilgiris District.
- 5.The Tahsildar,
Kothagiri Taluk, Nilgiris District.
- 6.The Sub Registrar,



Kothagiri, Kothagiri Taluk,
Nilgiris District.

...Respondents

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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.25784 of 2021 dated 15.11.2023.

For Appellants : Mr.V.Anandhamoorthy
For Respondents 2 to 6 : Mr.A.Selvendran,
Special Government Pleader

J U D G M E N T

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

The respondents 6 to 9 in the writ petition in W.P.No.25784 of 2021 are on appeal challenging the order of the learned Single Judge allowing the writ petition seeking to quash the order by which patta was granted to respondents 6 to 9 for the property in S.No.741/1B of Nadhuhatty Village in Kothagiri Taluk of Nilgiris.

2. The petitioner filed a suit seeking declaration of title and permanent injunction contending that he has purchased the property in 1998 from one Kullan and therefore the settlement deed executed by the 1st appellant in favour of the 2nd appellant in the year 2011 bearing Doc.No.1299/2011 is not



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valid and binding. The suit was disposed of after trial and the learned District Munsif, Kothagiri held that the 1st respondent herein is not entitled to a declaration of his absolute title, at the same time, he would be entitled to a share in the property, which he could workout in a properly constituted partition suit. It was also held that the settlement deed dated 27.07.2011 will not bind the share of the 1st respondent in the suit property. This decree was challenged by the 1st respondent in A.S.No.21 of 2018. The appellate Court viz., Sub-Court, Coonoor confirmed the judgment and decree of the trial Court.

3. After the judgment and decree of the appellate Court, the Revenue Authorities granted patta in the name of the 2nd appellant only excluding the name of the 1st respondent. This action was challenged by the 1st respondent before the writ Court.

4. The writ Court found that in view of the fact that the 1st respondent has been found to be entitled to a share in the property, exclusion of his name as a joint pattadhar is not correct. Therefore, the writ Court allowed the writ petition quashing the proceedings of the Revenue Authorities and



directed the parties to a civil Court to workout their rights in a properly framed civil suit. It is this order which is subject matter of challenge in this appeal.

5. We have heard Mr.V.Anandhamoorthy, learned counsel appearing for the petitioners.

6. Mr.V.Anandhamoorthy, learned counsel appearing for the appellants would vehemently contend that though the appeal was dismissed, the appellate Court had pointed out that the 1st respondent has not proved title of his vendor.

7. The observation of the appellate Court will not affect the ultimate decree that has been passed. Admittedly the judgment and decree in A.S.No.21 of 2018 dated 16.08.2019 have become final. The appellate Court has confirmed the judgment of the trial Court, where the trial Court has specifically observed that the settlement deed would not be binding on the share of the 1st respondent. To that extent the right of the 1st respondent has been protected by the civil Court. The Revenue Authorities cannot be



allowed to sit in the judgment over the judgment passed by the competent civil Court and transfer patta at their whims and fancies. We therefore see no cause for interference with the order of the writ Court.

8. The appeal therefore fails and it is accordingly **dismissed**. No costs.

Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (R.S.V., J.)
13.06.2024

dsa
Index : No
Internet : Yes
Neutral Citation : No
Speaking order



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To:-

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Nilgiris District.
2. The District Revenue Officer,
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