



WA(MD). No.67 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 17/04/2024

CORAM

Justice N.SESHASAYEE
and
Justice P.VADAMALAI

WA(MD). Nos.67 of 2013 and 362 of 2018 and
MP Nos.1 and 2 of 2013 and 2184/2018

R.Pandian

... Appellant in
WA No.67/2013

N.Senthil

... Appellant in
WA No.362/2018

Vs

1.The District Revenue Officer,
Trichirappalli

2.The Revenue Divisional Officer,
Lalgudi, Trichy District.

3.The Tahsildar
Manachanallur Taluk
Trichy District

... Respondents in
both appeals

4.K.P.Natarajan

... Respondents in
WA No.67/2013

1.R.Pandian

... Respondent NO.1 in
WA No.362/2018



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2. The District Collector
Trichirappalli District
Trichirappalli

... Respondent No.2 in
WA No.362/2018.

PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent Act against the order dated 08.10.2012 in WP(MD) No. 7772/2010 and the order dated 18.09.2014 in WP(MD) No.13785/2014

WA No.67/2013

For Appellant : M/s.M.Rajeswari
For Respondents : Mr.N.Muthu Vijayan for R1 to R3
Special Government Pleader
No appearance for R4

WA(MD) No.362/2018

For Appellant : M/s.V.Illanchezhian
For Respondents : Ms.M.Rajeswari for R1
Mr.N.Muthu Vijayan for R2 to R5
Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by N.SESHASAYEE, J.)

WA(MD) No.67/2013 is directed against the order passed in WP(MD) No.7772/2010 dated 08.10.2012, by which, the learned Single Judge had declined to interfere with an order of the Revenue Divisional Officer cancelling the patta issued in the name of the appellant (writ-petitioner)



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name for the property in S.No.189/6C of Siruganur Village in Trichy District.

2. The property comprised in Sy.No.189/6C and 467/1 were stated to belong originally to one Ramasamy Reddiyar and Lakshmana Reddiyar. Ramasamy Reddiyar's daughter was one Bangaru Ammal. Lakshmana Reddiyar was married to one Rukmani Ammal and they stated to have a son by name Ranganathan and he is alleged to be missing for several decades.

3. According to the appellant/writ petitioner on the demise of Lakshmana Reddiyar, his half share in the property had devolved on Rukmani Ammal and since Rukmani Ammal died without any issue, her right ultimately devolved on Bangaru Ammal and thus Bangaru Ammal became the absolute owner of the property. While so, on 22.01.2007, the petitioner had purchased the property from Bangaru Ammal through the latter's power of attorney, and on the strength of the said sale deed the appellant had his name mutated in the original record as well.



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4. While so, the 4th respondent Natarajan had approached the jurisdictional Revenue Divisional Officer (henceforth the RDO) for cancellation of patta issued to the appellant herein. His case is that on the demise of Ramasamy Reddiyar, his widow Rukmani Ammal became the absolute owner of the property, and that on 26.01.1995, she had executed a Will bequeathing the entire property in favour of the 4th respondent.

5. Natrajan was successful in canvassing his case before the RDO. The impugned proceedings of the RDO indicates that based on a search made by the revenue officials, they could not find any material in their office to suggest that patta had ever been issued in the name of Bangaru Ammal. The learned Single Judge considered the same as fair and reasonable and chose not to interfere with the proceedings of the RDO. This order of the learned Single Judge is now under challenge.

6. Heard both sides. The learned counsel for the appellant submitted that both the appellant and the 4th respondent herein have filed separate suits for declaration of their title over the same property and their claim



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of title was essentially based on the facts already narrated. Even if the line of contention of the 4th respondent is considered, he having admitted that the original owners of the property were Ramasamy Reddiyar and Lakshmana Reddiyar and inasmuch as Rukmani ammal was the widow of Lakshmana Reddiyar, Natarajan at the best can have only $\frac{1}{2}$ share in the property. Whether this property was bequeathed to Natarfajan under the Will of Rukmini Ammal or had devolved on Bangaru Ammal alone would be the moot point. Therefore, in fitness of things, the RDO should have granted at least a joint patta and should have then left the parties to decide their exclusive title to the property before the civil Court.

7. This Court is informed that the trial Court had dismissed the both the suits – one filed by the appellant and the other filed by the 4th respondent, for declaration of their exclusive title to the same property. Both have now preferred first appeals and they are pending in A.S.9 of 2022 and 10 of 2022 before the I Additional District Judge, Trichy.

8. Inasmuch as title to the property is yet to be ascertained for both the parties, the issue raised in these appeals may have to wait till the first



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appellate Court decides the issue on title. Having stated thus, this Court was bit puzzled as to how the trial Court had dealt with the rival claims of both the appellant and the 4th respondent for their respective claim of title over the same property. Except for one possibility that both Ramasamy Reddiyar and Lakshmana Reddiyar died issueless or their issue, if any, could not be traced, the decision on the title should be based on probabilities. However, this is an aspect which the first appellate Court may have to consider and decide.

9. In the meantime, the appellant herein had applied for a fresh patta, and followed it up with W.P(MD)No.13785 of 2014 for a direction from this Court to the Tahsildar concerned. Vide its order dated 18.09.2014, the learned single Judge has directed the Tahsildar concerned to consider the application of the petitioner and this is now under challenge in W.A. 362/2018 at the instance of the third party.

9. For the present, this Court only chooses to confirm the order of the learned Single Judge which is under challenge in W.A.(MD)67 of 2013, but with a rider that the said order of the learned Single Judge will be



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subject to the final outcome of the civil suits pending as A.S.Nos.9 and 10/2022 before the I Additional District Judge, Trichy. Since this Court has already taken a view in WA(MD) No.67 of 2013, the same will have a bearing on the outcome of W.A.(MD) 362 of 2018 as well.

10. Accordingly WA(MD) Nos.362/2018 and 67/2013 are dismissed with a direction that present status quo shall be maintained and parties are at liberty to approach the revenue officials for issuance of patta subject to the outcome of the pending first appeals before the I Additional District Court, Trichy. No costs. Consequently connected Miscellaneous Petitions are closed.

(N.S.S.,J.) (P.V.M.,J.)
17.04.2024

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



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TO,

1.The District Revenue Officer,
Trichirappalli

2.The Revenue Divisional Officer,
Lalgudi, Trichy District.

3.The Tahsildar
Manachanallur Taluk
Trichy District

4.The District Collector
Trichirappalli District Trichirappalli



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**N.SESHASAYEE, J.
and
P.VADAMALAI, J.**

RR

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