



W.A(MD)No.574 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.06.2024

CORAM :

JUSTICE N.SESHASAYEE  
and  
JUSTICE L.VICTORIA GOWRI

**W.A(MD)No.574 of 2019**  
**and CMP(MD)No.4739 of 2019**

Sundarraaj

...Appellant/Petitioner

Vs.

1. The District Revenue Officer,  
Madurai District,  
Madurai.

2. The Revenue Divisional Officer,  
Usilampatti,  
Madurai District.

3. The Tahsildar,  
Thirumangalam Taluk,  
Madurai District.

4. Packia Thevar

...Respondents 1 to 4/Respondents

5. M.Mahalingam

6. M.Kaliyappan

7. K. Veeranan

8. V. Samayan

9. V. Balamurugan

10. V. Murugan

11. M. Guruvammal

12. P. Parvathi

13. G. Arumugam

14. M. Saravakumar

15. S. Subulakshmi

16. M. K. Palani Murugan



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- 17.V.Gurusamy
- 18.V.Katturaja
- 19.S.Vaalachinnu
- 20.G.Samyasundaram
- 21.K.Lakshmi
- 22.K.Vellachamy
- 23.K.Petchi
- 24.M.Murugan
- 25.M.Pandi
- 26.P.Mhadevan
- 27.S.Komalingam
- 28.S.Kuruvammal
- 29.M.Balamurugan
- 30.R.Muthukumar
- 31.R.Alagarsamy
- 32.A.Theivanai
- 33.L.Malaichamy
- 34.K.Sakkammal
- 35.M.Rajalakshmi
- 36.S.Senthil
- 37.S.Sethuraman

...Respondents 5 to 37/Proposed Respondents

**PRAYER:** Writ Appeal is filed under Clause XV of Letters of Patent Appeal as against the order passed by this Court dated 04.04.2019 in W.P(MD)No.1499 of 2018.

For Appellant : Mr.K.P.Ramesh

For R1 to R3 : Mr.P.Muthuvijayan,  
Special Government Pleader

For R5 to R16,  
R18 to R25 & R27 : Mr.N.Mohamed Mohideen

For R26 : No appearance

R4 & R17 : Dismissed



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## **J U D G M E N T**

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[Judgment was delivered by **N.SESHASAYEE, J.**]

This appeal is preferred challenging the order passed by the learned single Judge in W.P(MD)No.1499 of 2018 dated 04.04.2019.

2. The quintessential facts that lead up to the filing of the present Writ Appeal may be summarized:

- The dispute pertains to the right to obtain patta *vis-a-vis* the property comprised in Survey No.158/6 of Villur Village, Kallikudi Taluk, Madurai District
- According to the appellant, the property originally belongs to Sethuraman and Murugandi Devar. During UDR in the late 1980's, the property came to be registered in the names of one Chinna Gurusamy and Periya Gurusamy. However, after several years, Sethuraman and Murugandi Devar came to know about this fact and approached the District Revenue Officer with an application to correct the mistake. The District Revenue Officer held an enquiry after issuing notice to both Chinna Gurusamy and Periya



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Gurusamy. They too participated in the enquiry. It appears that they have conceded that they do not have any title to the property, based on which, the District Revenue Officer passed an order to register the said property in the names of Sethuraman and Murugandi Devar vide his proceedings dated 21.09.2016.

- Thereafter, on 23.02.2017 and on 17.04.2017 the appellant herein had purchased the said property from the aforesaid two individuals vide separate sale deeds.
- While things stood thus, on 21.08.2017, certain Packia Thevar, who is arrayed as the 4<sup>th</sup> respondent had moved the District Revenue Officer with an application complaining that patta was wrongly issued to Sethuraman and Murugandi Devar. It appears some 35 families are living in the said survey number. The District Revenue Officer vide his proceedings dated 31.08.2017 directed the Revenue Divisional Officer to hold an enquiry. This came to be challenged by the appellant before this Court in W.P(MD)No.1499 of 2018.



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- The learned single Judge has directed the Revenue Divisional Officer to hold an enquiry and pass appropriate orders.

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3. Pursuant to the direction of this Court, the Revenue Divisional Officer, Usilampatti, held an enquiry in which the appellant too had participated and came out with his report dated 16.05.2019. Vide his proceedings, he had directed cancellation of patta granted to the appellant for the property in Survey No.158/6. However, some two days before the Revenue Divisional Officer passed the said order this appeal came to be filed challenging the order of the learned single Judge. But this Court had not stayed the order of the learned single Judge.

4. The learned counsel for the appellant made a valiant effort to convince this Court that the District Revenue Officer, who passed the order directing the grant of patta to the appellant's vendor was a different District Revenue Officer and another District Revenue Officer had directed the Revenue Divisional Officer to conduct an enquiry, which is the subject matter of the Writ Petition. He also tried to impress upon this Court on certain aspects regarding title to the property and how two different District Revenue Officers could not pass two different orders.



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5. The learned Special Government Pleader as well as the learned counsel for the private respondents made a joint statement that if at all the appellant is aggrieved, he ought to have filed an appeal before the District Revenue Officer.

6. This Court carefully perused the order of the Revenue Divisional Officer and it appears that there are allegations and counter allegations of collusion in issuing patta to Sethuraman and Murugandi Devar.

7. There are some facts involved which this Court may not like to investigate and to test the quality of the order of the Revenue Divisional Officer dated 16.05.2019. It should be underscored that this order was passed pursuant to the direction of the learned single Judge.

8. In view of the above, this Court is left with little option but to direct the appellant to approach the District Revenue Officer with an appeal to challenge the order of the Revenue Divisional Officer dated 16.05.2019, if he is so desirous, within a period of four weeks from the date of receipt of a copy of this order. Once he filed an appeal, the appellate authority



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shall receive the same without reference to any delay *vis-a-vis* the period of limitation prescribed for the same.

9. This Court refrains from giving any statement regarding title to the property and entitlement of the appellant to the grant of patta since that has to be investigated by the appellate authority.

10. This Appeal is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.) (L.V.G., J.)  
11.06.2024

Index : Yes / No  
Neutral Citation : Yes / No  
CM

**Note:** Issue order copy on 30.07.2024



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To,

1. The Secretary,  
Government of TamilNadu,  
Department of Highways,  
Fort St.George, Secretariat,  
Chennai – 600 009

2.The Project Director,  
TamilNadu Road Development Project-II,  
No.171, South Kesava Perumalpuram,  
Greenways Road,  
Raja Annamalaipuram,  
Chennai – 600 028

3.The District Collector,  
Tirunelveli District,  
Tirunelveli

4.The Special District Revenue Officer,  
(Land Acquisition),  
TamilNadu Road Development Project-II,  
Tiruchirappalli



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**and**  
**L.VICTORIA GOWRI, J.**

CM

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**11.06.2024**