



W.P.(MD) No.15114 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P.(MD) No.15114 of 2024**

**and**

**W.M.P(MD)Nos.13251 and 13253 of 2021**

1.S.Anthony

2.Christy Pushpa

.. Petitioners

Vs.

1.The Revenue Divisional Officer,  
Dindigul,  
Dindigul District.

2.The Tahsildar,  
Dindigul West Taluk,  
Dindigul District.

3.Sagayarani

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the first respondent in his proceedings Na.Ka.No.702/2023/Aa4 dated 07.03.2024 and quash the same as illegal, consequently directing the first respondent to restore the



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Patta in Patta No.295 in its original position by including the petitioner's name.

For Petitioners : Mr.T.Lenin Kumar  
For R1 & R2 : Mr.P.Thambidurai  
Government Advocate  
For R3 : Mr.N.Marimuthu

### **ORDER**

Challenging the order passed by the 1<sup>st</sup> respondent in his proceedings, dated 07.03.2024 and seeking a direction to the 1<sup>st</sup> respondent to restore the patta in Patta No.295 to its original position including the petitioner's name, the petitioners are before this Court.

2. The contention of the petitioners is that the vendor of the 3<sup>rd</sup> respondent, namely Maruthamuthu had acquired 39 cents in Survey No. 66/7 under an oral partition. On the basis of this oral partition, the 2<sup>nd</sup> respondent had also mutated the revenue records in the respective names. The three persons who had entered into an oral partition, namely Muthukaruppan, Maruthamuthu and Sundarraaj were in possession and



enjoyment of the properties. The said Muthukaruppan had sold his share measuring 43 cents to a third party and Sundarraaj had sold his 39 cents to the 1<sup>st</sup> petitioner's father under a registered sale deed, dated 12.10.2009. Since then, they have been in absolute possession and enjoyment of the said property. Thereafter, under two settlement deeds, dated 26.11.2021, his father had transferred 20 cents in favour of the 1<sup>st</sup> petitioner and the remaining 19 cents in favour of the 2<sup>nd</sup> petitioner's husband. Since then, they have been in possession of the same.

3. Thereafter, the said Maruthamuthu along with his son Senthilmurugan had jointly sold their share of 39 cents along with the share of Sundarraaj, totally measuring an extent of 78 cents to the 3<sup>rd</sup> respondent under a registered sale deed, dated 17.09.2009. On the basis of this sale deed, which was *prima facie* a fraudulent sale deed, the 3<sup>rd</sup> respondent had managed to obtain patta in respect of the entire extent of 78 cents though she is only entitled to 39 cents. The 2<sup>nd</sup> respondent had cancelled the patta standing in the name of the petitioners without issuing any notice to the petitioners. Since the 3<sup>rd</sup> respondent had disturbed the



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possession of the 1<sup>st</sup> petitioner's father, he had filed O.S.No.682 of 2009 before the Additional District Munsif, Dindigul. The said suit was dismissed. However, it is the contention of the petitioners that they are continued to be in possession and enjoyment of the property. The 2<sup>nd</sup> respondent after considering their possession and enjoyment, had directed their name to be included in the patta. Thereupon, the 3<sup>rd</sup> respondent had submitted a representation before the 2<sup>nd</sup> respondent requesting him to remove the names of the petitioners from the patta and without notice, their names have been removed. According to the petitioners, the 2<sup>nd</sup> respondent lacks jurisdiction and since his remedy is only to approach the 1<sup>st</sup> respondent by way of appeal. Therefore, the petitioners had preferred an appeal, dated 18.01.2023 before the 1<sup>st</sup> respondent. Since there was no further enquiry, the petitioners had moved W.P(MD)No.13714 of 2023 before this Court and this Court by an order, dated 12.06.2023 the same was ordered directing the 1<sup>st</sup> respondent to dispose of the appeal.

4. The 3<sup>rd</sup> respondent had filed O.S.No.226 of 2023 on the file of Additional District Court, Dindigul once again seeking a relief of



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permanent injunction. The petitioners would submit that during the enquiry before the 1<sup>st</sup> respondent, they had submitted all the records. However, their appeal was rejected on the ground that civil suit was pending consideration and appropriate relief have to be obtained from the Civil Court and thereafter, it would be considered. Challenging the same, the petitioners are before this Court.

5. The petitioners are aggrieved by the fact that the 1<sup>st</sup> respondent while directing the parties to decide the title before the Civil Court, has not restored the patta in the name of the petitioners. More particularly, the 2<sup>nd</sup> respondent had passed the order directing the removal of the name of the petitioners without notice to them.

6. Heard the learned counsel on either side.

7. Since the parties are before the Civil Court and as per Rule 4(4), the revenue authorities cannot go into the question of title, the 1<sup>st</sup> respondent has rightly directed the parties to settle the dispute before the



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Civil Court and thereafter approach them. I see no reason to disagree with the order of the 1<sup>st</sup> respondent.

8. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**02.09.2024**

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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Dindigul,  
Dindigul District.

2.The Tahsildar,  
Dindigul West Taluk,  
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**P.T.ASHA, J.**

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