



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.12.2024**

CORAM:

**THE HONOURABLE MRS.JUSTICE N.MALA**

**W.P(MD)NO.29920 OF 2024**

T.Jansirani

: Petitioner

.VS.

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The Tahsildar,  
Manamadurai Taluk,  
Sivganganai District.

3.Selvi

4.Muthukrishnan

:Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent not to mutate the revenue records pertaining to S.No.162/2, 245/27, 245/29 of Rajakambeeram Village, Manamadurai Taluk, Sivagangai Taluk, pending disposal of appeal in A.S.No.20 of 2023, on the file of learned Principal District Judge, Sivagangai by considering the Petitioner's objection, dated 27.11.2024.

For Petitioner

:Mr.S.Vishnuvardhan



WEB COPY



2

For Respondents  
1 and 2

:Mr.A.Kannan  
Addl.Govt.Pleader

## **ORDER**

\*\*\*\*\*

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the second respondent not to mutate the revenue records pertaining to S.No.162/2, 245/27, 245/29 of Rajakambeeram Village, Manamadurai Taluk, Sivagangai Taluk, pending disposal of appeal in A.S.No.20 of 2023, on the file of learned Principal District Judge, Sivagangai by considering the Petitioner's objection, dated 27.11.2024.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner states that the property in S.Nos.162/2, 245/27, 245/29 of Rajakambeeram Village, Manamadurai Taluk, Sivagangai District, belonged to her mother in law Rakkammal. She purchased the said lands under two registered sale deeds. According to the Petitioner, her mother in law died on 18.02.2014, leaving behind the Petitioner's husband as her legal heir.In the meanwhile, she executed a Inam Settlement Deed in favour of



third respondent, her widowed daughter in law. Thereafter, the Petitioner's mother in law cancelled the settlement deed on 23.09.2013 and registered the cancellation deed in Document No. 3448. According to the Petitioner, on the demise of her mother in law, she inherited the properties and continued to be in possession and enjoyment of the same. Whiles, the third respondent filed O.S.NO.42 of 2001, on the file of learned Subordinate Judge, Madurai, for declaration to declare the cancellation deed, dated 23.09.2013 as null and void and for permanent injunction. The said suit was decreed in favour of third respondent on 7.3.2023. Aggrieved by the same, the Petitioner filed an appeal in A.S.NO.20 of 23, the said appeal was dismissed for default on 4.9.2014 and thereafter the Petitioner filed restoration application in I.,A.No.6 of 2024 before the learned Principal District Judge, Sivagangai which is pending. The Petitioner states that the third respondent during the pendency of the appeal, executed a settlement deed in favour of fourth respondent, her son on 21.10.2023. In pursuance of the said settlement deed, the respondents 3 and 4 tried to mutate the revenue records in their favour. The Petitioner received notice of enquiry from the second respondent on 22.11.2024. The Petitioner appeared and submitted her written objections on 27.11.2024 and informed the second respondent about the pendency of the appeal in A.S.No.20 of 2013 and the Petitioner also requested the second



respondent, not to proceed with the enquiry, as the title was subjudiced before the Civil Court. Thereafter, no steps were taken, but as the Petitioner apprehended that the second respondent may mutate the revenue records, in favour of the fourth respondent, the Petitioner filed the above Writ Petition for the aforesaid relief.

4. Admittedly, the Petitioner was issued with notice in the respondent's application on 22.11.2024 and the Petitioner submitted her objection on 27.11.2024. The learned Additional Government Pleader appearing for the respondents 1 and 2 submits that the application of the respondents 3 and 4 along with the objection of the Petitioner is kept pending.

5. The Petitioner has filed the above Writ petition on mere apprehension that patta may be mutated in favour of the fourth respondent. It is trite that on mere apprehension, Writ Petition cannot be entertained. As the respondents 3 and 4's application along with Petitioner's objection are still pending, I am of the view that the Writ Petition is premature and cannot be entertained at this stage.



6.Hence I find no merit in the Writ Petition and accordingly,  
the same stands dismissed. No costs.

**12.12.2024**

NSC :Yes/No  
Index:Yes/No  
Internet:Yes/No

vsn

To

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The Tahsildar,  
Manamadurai Taluk,  
Sivgangai District.



WEB COPY



6

**N.MALA, J.**

vsn

**ORDER MADE IN**  
**W.P(MD)NO.29920 of 2024**

**12.12.2024**