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W.P.No. 32637 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.32637 of 2025

AMBIGA

..Petitioner

Vs.

- 1 THE DISTRICT COLLECTOR
KRISHNAGIRI DISTRICT
- 2 THE DISTRICT REVENUE OFFICER
KRISHNAGIRI DISTRICT KRISHNAGIRI
- 3 THE REVENUE DIVISIONAL OFFICER
KRISHNAGIRI KRISHNAGIRI DISTRICT
- 4 THE TAHSILDAR
UTHANGARAI TALUK KRISHNAGIRI
- 5 THE VILLAGE ADMINISTRATIVE OFFICER
GENGAPIRAMPATTI VILLAGE UTHANGARAI
TALUK KRISHNAGIRI DISTRICT
- 6 RAGU @RAGUNATHAN
- 7 KAMALESH
- 8 SELVI @ KALAISELVI
- 9 T.R.JAYABAL
- 10 RAMACHANDRAN

...Respondents



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Prayer :-

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Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 5 to restore the revenue records pertaining to the properties comprised in Survey Nos.20/10C, 20/11C and 20/13C, Appinayakkanpatti Village Uthangari Taluk, Krishnagiri District, to their original status prior to the illegal mutation in favour of the 9th respondent and maintain such status till the disposal of the pending civil suits and effect mutation of the revenue records strictly in accordance with the final decree to be passed in O.S.No.3/2017 and O.S.No.36/2025 pending before the competent Civil courts

For Petitioner : Mr.J.Pradeep

For Respondents 1 to 5 : Mr.C.Jayaprakash
Government Advocate

Order

This Writ Petition is filed seeking for the following reliefs:-

i) For issuance of mandamus to respondents 1 to 5 to restore the revenue records pertaining to the properties comprised in Survey Nos.20/10C, 20/11C and 20/13C, Appinayakkanpatti Village Uthangari Taluk, Krishnagiri District, to their original status prior to the illegal mutation in favour of the 9th respondent.



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ii) To maintain such status till the disposal of the civil suits and effect mutation of the revenue records strictly in accordance with the final decree to be passed in O.S.No.3/2017 and O.S.No.36/2025.

2. The learned counsel for the petitioner would submit that the property in question is an ancestral property; that the petitioner, his father and sixth respondent were in possession and enjoyment of the said property. During the petitioner's mother's life-time, the petitioner's father had an illicit relationship with the eighth respondent, from which, sixth and seventh respondents were born. The petitioner came to know that her father had executed a settlement deed dated 30.03.2012, in favour of the sixth and seventh respondents, and appointed the eighth respondent as guardian; the eighth respondent, acting as such, executed a sale deed in respect of the sixth and seventh respondent's share, in favour of the ninth respondent, despite having no legal right over the properties. Hence, the petitioner filed two suits in O.S.No.3 of 2017, and O.S.No.36 of 2025; that during the pendency of such suits, the ninth respondent filed a suit for specific performance in O.S.No.46 of 2018 against the sixth respondent and obtained a decree illegally in his favour, and based on such decree, also obtained



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patta in his name; that therefore, the petitioner made a detailed representation to the fifth respondent dated 25.07.2025, seeking for cancellation of patta issued in favour of the ninth respondent, in respect of a property, with regard to which, the petitioner has filed two suits claiming right; that since the petitioner has not been favoured with any response, the petitioner is before this Court by way of present Writ Petition seeking for aforesaid prayer.

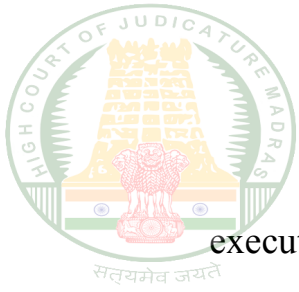
3. The learned Government Advocate for the official respondents, viz. respondents 1 to 5 would submit that already the representation made by the petitioner was considered and the same was rejected citing the reasons that Civil Suits are pending and once the petitioner's right over the property in question is decided by the Civil Court, the petitioner can very well approach the respondents 1 to 5 seeking necessary mutation of revenue records in respect of the property, to which, the petitioner is entitled to and for cancellation of patta issued in the name of the ninth respondent and so, and



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WEB COPY 4. I have given due considerations to the submissions made by the learned counsel for the petitioner and the learned Government Advocate, who takes for respondents 1 to 5. Since the Writ Petition is disposed of, at the admission stage itself, and considering the nature of order that is to be passed herein, this Court is of the view that the respondents 6 to 10 need not be served with notice. Accordingly, notice to respondents 6 to 10 is dispensed with.

5. According to the petitioner-Ambiga, the property, in question, is an ancestral property and she being the legitimate daughter of his father, she alone has vested right/title/interest over such property. However, the eighth respondent, who had in illicit relationship with the petitioner's father, got the property executed in favour of her two sons, who are sixth and seventh respondents herein through the petitioner's father, who executed two settlement deeds in their's favour (sixth and seventh respondents) by appointing the eighth respondent, their mother, as guardian, and as such, the eighth respondent, despite having no legal right over the properties,



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executed a sale deed in respect of sixth and seventh respondent's share in favour of the ninth respondent. Hence, the petitioner filed two suits i) One suit for partition and for declaration of the sale deed as null and void, ii) another for suit of permanent injunction. The two suits being O.S.No.3 of 2017, and O.S.No.36 of 2025, and both the suits are pending before the Civil Court, Uthangarai. However, in the interregnum, the ninth respondent filed a suit for specific performance in O.S.No.46 of 2018 against the sixth respondent and obtained a decree illegally in his favour, and based on such decree, also obtained patta in his name in respect of the property, to which, the petitioner is legally entitled to. Thus, the petitioner, setting out such details, made a detailed representation to the fifth respondent dated 25.07.2025, seeking for cancellation of patta issued in favour of the ninth respondent and to make necessary mutation in the revenue records. However, as the petitioner has not been favoured with any response, the petitioner is before this Court seeking for the prayer, as stated in preamble portion of this order.



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6. As rightly pointed out by the learned Government Advocate for respondents 1 to 5, when admittedly, the suits filed by the petitioners claiming her right/title/interest over the property in question is pending before the Civil Court, the petitioner cannot, as a matter of right, seek for mutation in the revenue records, even assuming without accepting that the sale deed, based on which, ninth respondent has obtained patta in his favour was null and void. Once, the suits got disposed of declaring the petitioner's vested right over the property, the petitioner can very well approach the respondents 1 to 5 seeking for mutation in the revenue records and also for cancellation of patta issued in favour of the ninth respondent, in respect of a property, with regard to which, she has proven her right/title/interest in the Civil Suits. This Court, while sitting under Article 226 of the Constitution cannot adjudicate the issue and grant the relief sought for by the petitioner, moreso when, the Civil Court has seized of the issue relating to the title over the property. That apart, the respondent Nos.6 and 7, though according to the petitioner, are illegitimate children, only based on the settlement executed by their father, they sold the property in favour of ninth respondent, who subsequently, got patta transferred patta in his name.



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7. Thus, for the reasons stated hereinabove, the prayer sought for by the petitioner cannot be granted. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to approach the respondents 1 to 5 seeking for mutation in the revenue records after the civil proceedings attain finality.

No costs.

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Index : yes/no

Neutral Citation : yes/no

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Krishnan Ramasamy,J.,

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