



W.P. (MD) .No.1300 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.1300 of 2010

and

M.P.(MD).Nos.1 & 2 of 2010

M.Swamidas

.. Petitioner

Vs.

1.The District Revenue Officer,
Dindigul District.

2.The Revenue Divisional Officer,
Kodaikanal.

3.The Tahsildar,
Kodaikanal Taluk Office, Kodaikanal.

4.Vasanthi Janakiraman

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India

praying to issue a Writ of Certiorarified Mandamus, calling for the

records of the 1st respondent relating to the proceedings See



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Maa.(Paa.Maa)No.14/2008/B4 dated 07.09.2009, quash the same and

direct the respondents to restore the original patta bearing Patta No.1697

in the name of the petitioner in respect of properties measuring 63 cents

comprised in Re-Survey Nos.1008/7 of Vilpatti Village, Kodaikanal

Taluk, Dindigul District.

For Petitioner : Mr.K.M.Vijayan
Senior Counsel
for Mr.K.R.Ramesh Kumar

For RR 1 to 3 : Mr.L.S.M.Hasan Faizal
Additional Government Pleader

For R4 : Mr.Kandhan Duraisami

ORDER

The petitioner challenges the proceedings of the District Revenue Officer, Dindigul, whereby the officer confirmed the order of the Revenue Divisional Officer, Kodaikanal, and held that the petitioner or the 4th respondent can approach the revenue department for mutation of revenue records, after the disposal of the suits pending before the Civil



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2.I heard Mr.K.M.Vijayan, Senior Counsel for Mr.K.R.Ramesh Kumar representing the petitioner, Mr.L.S.M.Hasn Faizal, Additional Government Pleader for the respondents 1 to 3 and Mr.Kandhan Duraisami for the 4th respondent.

3.The dispute relates to the property situated in Survey Nos.1008/3 and 1008/5 of Villpatti Village, Kodaikanal Taluk, Dindigul District. The petitioner claims to have purchased the property from one Mohammed Sulaiman, under a deed of sale dated 27.08.1996, which was registered on the file of the Sub Registrar Office, Kodaikanal, as Document No.1559 of 1996. Subsequently, the petitioner purchased the adjacent property in the very same survey number, from the very same vendor, under two different sale deeds dated 30.07.2001, which were registered as Documents Nos.885 and 886 of 2001.



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4. On the strength of these sale deeds, the petitioner obtained

mutation of the revenue records in his favour. All of a sudden, he came to know that, without notice to him, the 4th respondent had secured a patta in her favour over his property. The patta which has been issued in the name of the petitioner was canceled on 09.07.2002.

5. The petitioner submits that the 4th respondent, along with some henchman had attempted to trespass into his property. Hence, in order to protect his possession, the petitioner presented OS.No.58 of 2003 on the file of the District Munsif Court, Kodaikanal, seeking permanent injunction. The petitioner's vendor also filed a suit in OS.No.14 of 2004 on the file of the District Munsif Court at Kodaikanal, to protect their possession, insofar as the properties under their control were concerned.

6. In her turn, the 4th respondent presented O.S.No.207 of 2007. This suit too was filed before the District Munsif Court at Kodaikanal. It is a suit for permanent injunction. It is alleged by Mr.K.M.Vijayan, Senior



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Counsel and stoutly denied by Mr.Kandhan Duraisami that surreptitiously

an exparte decree was obtained in O.S.No.207 of 2007. It matters not now as the decree has been set aside and suit had been restored on the file of the District Munsif Court.

7.In the meantime, aggrieved by the order passed by the Tahsildar canceling the patta in his name and granting it to the 4th respondent, an appeal was preferred to the Revenue Divisional Officer. The Revenue Divisional Officer rendered a finding that the patta proceedings had been done behind the back of the petitioner, but taking into consideration the pendency of the suit, he directed the parties to approach the revenue authorities after disposal of the civil proceedings. This order was put to challenge before the 1st respondent. He concurred with the decision of the Revenue Divisional Officer. Aggrieved by the same, the present writ petition.

8.The point remains that O.S.No.58 of 2003 and O.S.No.59 of



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2003 have been decreed. Thereafter, the suit filed by the vendor of the

writ petitioner came to be dismissed as withdrawn on 15.07.2025. As on

today, the suit initiated by the 4th respondent is pending before the

Jurisdictional Civil Court.

9.The fear of Mr.K.M.Vijayan, Senior Counsel is that the patta that had been granted which is in favour of the 4th respondent, by the Tahsildar will be utilized by the 4th respondent to substantiate her case before the Civil Court. This fear is unfounded.

10.A Division Bench in *Kuppusamy Nainar Vs. The District Revenue Officer, 1995 (1) MLJ 426*, has made it clear that the revenue proceedings will not and cannot influence the jurisdictional Civil Court, while deciding the issues before it. The issue of title will have to be decided by the Civil Court independently. Patta is not a document of title. It only enables the person, whose name is found therein, to pay the Government dues as and when demanded. For the mere fact that patta



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stands in the name of the 4th respondent, does not mean the civil suit has to be decreed.

11.As issues relating to the manner in which the 4th respondent has secured the property has been raised by the writ petitioner in the suit, I am sure that the learned District Munsif, Kodaikanal, will frame an issue with regard to the same and answer it properly. Needless to add that the patta or any document which has been secured by the 4th respondent from the revenue department, will not stand in the way of the Civil Court to decide the issue independently.

12.Mr.K.M.Vijayan, Senior Counsel states there is a possibility of the petitioner alienating the property on the basis of the patta. He need not have any fear. In case, such alienation is made, it will be subject to *lis pendens*. Apart from that, the petitioner can always move an application seeking an order of ad interim injunction restraining the 4th respondent not to alienate the property and such other relief as he may desire before



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the jurisdictional Civil Court.

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13. With the above observations, this Writ Petition is disposed of.

Both the petitioner and the 4th respondent can move the revenue authorities depending upon the decree of the Civil Court proceedings to mutate the revenue documents. Consequently, the connected miscellaneous petitions are closed. No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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2. The Revenue Divisional Officer,
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V.LAKSHMINARAYANAN, J.

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