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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :**24.11.2025**

CORAM:

THE HONOURABLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No. 2120 of 2025
and
W.M.P(MD) Nos.1496 & 1498of 2025

Ramakrishnan ... Petitioner

Vs

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The District Revenue Officer,
Sivagangai District,
Sivagangai.

3. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

5. K. Balakrishnan ... Respondents

*(R5 is impleaded vide Court order
Dated.24.03.2025 in WM.P.(MD).4396/2025
in W.P.(MD) No.2120 of 2025)*

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the fourth respondent in his proceedings in Muu.Mu.A5/3284/2024 dated 15.11.2024 and quash the same as illegal, arbitrary and consequently, direct the fourth respondent to issue patta in favour of the petitioner for the land in S.No.462/2 situated at Shenbagampettai Village, Thirupathur Taluk, Sivagangai District to an extent of 1.95.5 Ares based on the proceedings of the third respondent in his proceedings in Na.Ka.Aa3/ 9776/2020 dated 19.12.2020 within a time frame fixed by this Court.

For Petitioner	: Mr.B.Saravanan Senior Counsel for M/s. B. Saravanan Associates
For Respondents	: Mr.M.Ajmal Khan Additional Advocate General Asst. by Mr.M.Muthumanikkam Government Advocate for R1 to R4 Mr.R.Shankar Ganesh for R5

O R D E R

The matter pertains to the land ad measuring 1 hectare 95.5 ares in survey No.462/2. The petitioner had approached the Revenue Divisional Officer, Devakkottai, seeking patta in respect of this land, on the basis that the petitioner had purchased the property in the year 1996 under Doc.No.5690. Accepting the said contention, the Revenue Divisional Officer directed the Tahsildar to issue patta in the name of the petitioner.

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The said order dated 29.11.2015 was not implemented by the Tahsildar. Therefore, the petitioner filed W.P.(MD) No.12838 of 2024 and the said Writ Petition was disposed of by an order dated 18.06.2024. By the said order, this Court directed the second respondent therein/Tahsildar to pass final orders on the petitioner's representation on merits within twelve (12) weeks. The order impugned herein was issued pursuant to the said direction.

2. Learned Senior Counsel for the petitioner invited my attention to the order of the Revenue Divisional Officer dated 29.11.2015. He points out that the Revenue Divisional Officer took note of the sale deed in favour of the petitioner and therefore directed that the patta be issued. As regards the reference to Doc.No.5690, learned Senior Counsel submits that it is not a reference to a registered document but to the number endorsed on the stamp paper. Although such order was issued by a superior revenue official, learned Senior Counsel submits that the Tahsildar issued an order in contravention of the directions of the Revenue Divisional Officer. He also points out that the Tahsildar has stated that he has requested the District Revenue Officer for advice and

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that he is awaiting the advice of the District Revenue Officer. In these circumstances, learned Senior Counsel submits that the impugned order cannot be sustained and that interference is warranted.

3. Learned Additional Advocate General made submissions in response. By handing over a file pertaining to the order issued by the Revenue Divisional Officer on 29.11.2015, learned Additional Advocate General submits that the file contains the request of the petitioner for grant of patta and a copy of the purported sale deed. By turning to the order of the Revenue Divisional Officer, learned Additional Advocate General points out that the revenue records were not taken into consideration. Instead, based on the petitioner's statement, a finding, without any basis in fact or document, to the effect that the property was in the possession of Chinnaiyavelaar was recorded therein and that patta had not been issued in his name. Learned Additional Advocate General submits that the said order has been issued without reference to either valid title documents or revenue records and, therefore, the impugned order concluding that the petitioner's request cannot be accepted at this juncture contains no infirmity.

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4. The sheet anchor of the petitioner's case is the earlier order dated 29.11.2015 of the Revenue Divisional Officer. The said order refers to Doc. No.5690 of the year 1996. Ordinarily, this would be construed as a reference to the registration number of a document. Proceeding on the basis that it is a reference to the stamp paper number, the fallout is that the petitioner is relying on an unregistered document purportedly conveying title. Under the Transfer of Property Act, 1882, no conveyance of an immovable property of the value greater than Rs.100 can be effected except by a registered conveyance. A similar prescription is contained in Section 49 of the Registration Act, 1908.

5. The petitioner has not filed the revenue record reflecting either the name of Chinnaiyavelaar or even his predecessor-in-interest. Thus, it appears that the order dated 29.11.2015 has no foundation either in title documents or in revenue records. In those circumstances, although the Tahsildar is hierarchically inferior to the Revenue Divisional Officer, the order of the Tahsildar declining the petitioner's request and seeking the advice of the District Revenue Officer, being the superior officer, should

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be commended. I see no reason whatsoever to interfere with such order in the exercise of discretionary jurisdiction. Therefore, this Writ Petition is dismissed without any order as to costs. Consequently, connected miscellaneous petitions are closed.

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
apd

24.11.2025
(1/3)

To

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The District Revenue Officer,
Sivagangai District,
Sivagangai.

3. The Revenue Divisional Officer,
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4. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

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SENTHILKUMAR RAMAMOORTHY.,J.

apd

ORDER MADE IN

W.P(MD)No. 2120 of 2025

24.11.2025
(1/3)

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