



W.P.(MD)No.1959 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.1959 of 2025

Vellaiammal

... Petitioner

/Vs./

1.The District Register,

Madurai District,

Madurai.

2.The District Revenue Officer,

Madurai District Collector Office,

Madurai.

3.The Revenue Divisional Officer,

O/o.The Revenue Divisional Office,

Thirumangalam, Madurai District.

4.The Thasildar,

Thiruparankundram Taluk,

Madurai District.

5.Mari

(R5 impleaded vide Court order dated 25.02.2025

in WMP(MD)No.2728 of 2025)

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to implement the order passed by the second respondent in his order in Ne.Mu.No.G2/1865286/2024 dated 06.12.2024 in Survey No.152/3 in patta No.1665 situated in Nedumadurai Village, Thiruparankundram Taluk, Madurai District based on the representation given by the petitioner dated 06.01.2025.

For Petitioner : Mr.S.Sivaprakash

For Respondents : Mr.B.Saravanan,
Additional Government Pleader for R1-4

: Mr.M.Muruganandam for R5

ORDER

The writ petitioner has filed the present writ petition seeking issuance of Writ of Mandamus, to implement the order passed by the second respondent in Ne.Mu.No.G2/1865286/2024 dated 06.12.2024 in respect of Survey No.152/3 in patta No.1665 situated in Nedumadurai Village, Thiruparankundram Taluk, Madurai District, based on the petitioner's representation dated 06.01.2025.



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2. I have heard Mr.S.Sivaprakash, learned counsel for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader for the respondents 1 to 4 and Mr.M.Muruganandam, learned counsel for the fifth respondent.

3. It is the case of the petitioner that the property situated in Survey No.152/3, Nedumadurai Village, measuring to an extent of 2 acres and 81 cents was originally belonging to the writ petitioner and in the year 2009, lands to an extent of 35 cents was sold to the 5th respondent and again another extent of 55 cents of land was sold to the 5th responded in the year 2011 and a further extent of 60 cents of land was sold to the 5th respondent in the year 2012, all by way of registered documents. In all, the petitioner admits the factum of having sold 1.5 acres out of 2.81 acres, retaining the balance 1.31 acres. Subsequently, the petitioner has also settled an extent of 86 cents in favour of his daughter.

4. The petitioner, noticing that patta has been transferred in respect to the entire extent in favour of the 5th respondent, has approached the



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Revenue Divisional Officer, namely, the 3rd respondent, seeking rectification of the patta issued by the Tahsildar/ fourth respondent, in favour of the fifth respondent. After conducting detailed inquiry, the 3rd respondent cancelled the patta issued to the fifth respondent by order dated 01.02.2024 and directed issuance of patta in favour of the petitioner. The said order of the third respondent was challenged by the fifth respondent before the second respondent. After conducting a detailed enquiry, the second respondent confirmed the order of the third respondent cancelling the patta in favour of the 5th respondent, by order dated 06.12.2024.

5. Subsequent to the said order dated 06.12.2024, the fifth respondent has chosen to file a suit in O.S.No.41 of 2025 before the Subordinate Judge, Tirumangalam, seeking relief of declaration and injunction. The said suit is pending and in fact, the first hearing of the suit is only tomorrow (ie.26.02.2025). While so, the petitioner has made a representation on 06.01.2025, seeking patta to be issued in his favour, based on the orders passed by the second respondent on 06.12.2024. The case of the petitioner is that after sale of 1.5 acres to the fifth respondent,



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the remaining lands have been retained by the petitioner and portion of lands has also been settled out of love and affection towards his daughter, in favour of daughter. Therefore, the petitioner only seeks for the Authorities to issue patta in respect of the lands retained by him.

6. The said request of the petitioner is opposed by the fifth respondent stating that the very same land which has been sold to the fifth respondent is now being claimed by the petitioner by way of the application before the third respondent, which proceedings have went against the fifth respondent and even the revision preferred by the fifth respondent before the second respondent has also been unsuccessful. Therefore, according to the learned counsel for the fifth respondent, a suit has been preferred before the competent civil Court to declare the settlement deed executed by the petitioner in document No.1628/2024, in favour of one Veerayi, who is the daughter of the petitioner, and sale deed dated 12.03.2024 executed in favour of the daughter of the petitioner and one Murugan registered vide document No.1629/2024. Admittedly, even according to the fifth respondent, both these documents are challenged in the pending civil suit. However, the fifth respondent



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has been unsuccessful before the revenue authorities and after conducting an enquiry, giving an opportunity to the petitioner as well as the fifth respondent, the third respondent as well as the second respondent have found that the petitioner is entitled to patta for the retained extent of land, after sale effected in favour of the fifth respondent. Therefore, if at all, the fifth respondent ultimately succeeds in the suit filed by her in O.S.No.41 of 2025, the patta concerned, which has been recommended by the third respondent and the second respondent will automatically stand revoked. However, as on date, the revenue authorities have found that the petitioner is entitled to grant of separate patta and as long as the fifth respondent has not successfully challenged the settlement deed and sale deed in favour of the daughter of the petitioner and one Murugan, it cannot be a spoke in the enjoyment of the subject properties by the settlee / purchaser. If at all, it is the case of the purchaser that the fifth respondent is in possession and enjoyment of the lands, which have been settled or sold to the daughter of the petitioner and the third party purchaser / Murugan, it is always open to the petitioner to move appropriate interlocutory application in the pending civil suit to protect her possession. However, the benefit of the



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orders passed after enquiry by revenue authorities cannot be deprived to the petitioner.

7. However, taking into the fact that the petitioner has made representation seeking implementation of the orders of the third respondent and confirmed by the second respondent, the third respondent shall pass orders on merits of the application of the petitioner and it is made clear that such orders passed by the third respondent shall be subject to the final outcome of civil suit filed by the fifth respondent in O.S.No.41 of 2025.

8. With the above direction, this Writ Petition is disposed of.
There shall be no order as to costs.

Index : Yes / No

25.02.2025

NCC : Yes / No

LS

TO:-

1.The District Register,
Madurai District,
Madurai.



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P.B. BALAJI, J.

LS

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Thirumangalam, Madurai District.
- 4.The Thasildar,
Thiruparankundram Taluk,
Madurai District.

Order made in
W.P.(MD)No.1959 of 2025

Dated:
25.02.2025