BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.2795 of 2021
and
W.M.P.(MD)Nos.2292 & 2293 of 2021

1.M.Kaladevi
2.Vijayarani .... Petitioners

/Vs./

1.The District Revenue Officer,
Tirunelveli,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
Sankarankovil Taluk.

4.S.Kasthuri Jeyarani .... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in Pa.Mu.Kaa2/SemA. 15/17(19278/17) dated 21.10.2020 confirming the impugned order passed by the second respondent in Ne.Mu.A3/2432/2015 dated 22.03.17 and quash the both and consequently direct the respondents 1 to 3 to take cognizance of the issuance of patta after the Principal District Munsif Court, Sankarankovil delivers judgment in O.S.No.75/2014.

For Petitioner	: Mr.K.K.Udayakumar for Mr.H.Arumugam
For R1 to R3	: Mr.M.Lingadurai Special Government Pleader
For R4	: Mr.F.X.Eugene

ORDER

The petitioner challenges the order of the first respondent, dated 21.10.2020, confirming the order of the second respondent dated 22.03.2017 and consequently, seeks for issuance of patta after disposal of the O.S.No.75 of 2024 pending on the file of the Principal District Munsif Court, Sankarankovil.

2. I have heard the learned counsel for the petitioner Mr.K.K.Udayakumar for Mr.H.Arumugam, Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.F.X.Eugene, learned counsel appearing for the fourth respondent.

3. The learned counsel for the petitioner would take me through the orders of the second respondent as well as the first respondent and contend that apart from the 5 cents that was purchased by the mother of the petitioner's from her sister, who is none other than the mother of the fourth respondent, the petitioner's mother was also in possession of a further extent of 2.83 cents, and in respect of the entire 7.83 cents patta was mutated in the name of the petitioner's mother. The learned counsel for the petitioner would further submit that when patta has been issued to the petitioners, the fourth respondent ought to have approached the competent Civil Court and the directions issued otherwise by the revenue authorities is wholly unsustainable.

4. However, the learned counsel appearing for the fourth respondent would submit that the petitioners cannot get better title than what was conveyed. The revenue authorities have rightly gone into the entitlement of the petitioners for an extent of 7.83 cents, which is beyond their lawful entitlement of 5 cents and further, he would submit that the petitioners have filed several suits, which have been subsequently

withdrawn and even in the pending suit in O.S.No.75 of 2014 which has been filed by the petitioners, a counter claim has been preferred by the fourth respondent seeking recovery of possession.

5. I find that the authorities have come to the conclusion that in view of the pendency of the suit in O.S.No.75 of 2014, before the Principal District Munsif Court, Sankarankovil, the successful party in the litigation may approach the revenue authorities after disposal the suit. I do not find fault with the said finding arrived by the authorities and it is in order. It is only with regard to the fact that the District Revenue Officer had directed cancellation of patta standing in the name of the fourth respondent, and directed the same to be mutated in the name of the mother of the fourth respondent, which is now put to test by the petitioners. The petitioners are unable to prima facie establish their entitlement to an extent exceeding 5 cents, which alone was purchased by their mother from the fourth respondent's mother and thereafter, the petitioner's mother in and by settlement deeds has settled 2.5 cents each, to the petitioners. Therefore, the petitioners entitlement to an extent of 7.83 cents is certainly questionable. The authorities, therefore, have

rightly held that in the absence of any satisfactory documentary evidence to substantiate the patta in respect of 7.83 cents, they have proceeded to cancel the patta and restore the name of the fourth respondent's mother, leaving to open to the parties to approach the authorities after conclusion of the Civil Proceedings in O.S.No.75 of 2014, on the file of the Principal District Munsif Court, Sankarankovil. I do not find any perversity of illegality in the finding rendered by the revenue authorities namely, the Tashildar, no merit in the petition.

6. Accordingly, the writ petition is dismissed giving liberty to the petitioners to approach the revenue authorities in the event of being successful in the civil suit. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No **24.03.2025**
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To

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Tirunelveli District.

2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
Sankarankovil Taluk.

P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.2795 of 2021

Dated:
24.03.2025