



W.P.(MD)Nos.3599, 5393 & 7860 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)Nos.3599, 5393 & 7860 of 2025

and

W.M.P.(MD)No.5951 of 2025

W.P.(MD)No.3599 of 2025:

P.Manikandan

: Petitioner

Vs.

- 1.The District Revenue Officer,
Office of the District Revenue Officer,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tirunelveli District.
- 3.The Tahsildar,
Palayamkottai Taluk Office,
Palayamkottai, Tirunelveli,
Tirunelveli District.
- 4.P.Ganeshkumar



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5.R.Rajeshwari

6.R.Saravanababu

7.Dr.R.Jeyalakshmi

8.Dr.Subalakshmi

: Respondents

[R4 to R8 are impleaded vide order of this Court dated 04.04.2025 in W.M.P.(MD)No.3632 of 2025]

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, forbearing the respondents herein from in any way transferring patta in favour of the third parties in respect of the land comprised in S.No.1002/2 of an extent of 73 cents situated at Kula Vanigarpuram Village, Palayamkottai Taluk, Tirunelveli District by considering the petitioner's representation dated 16.01.2025 within the time stipulated by this Court.

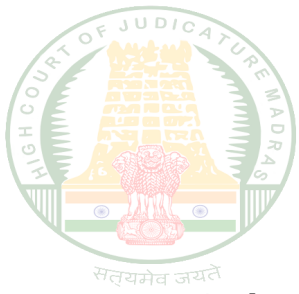
For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.C.Gangai Amaran

For Respondents : Mr.C.Satheesh,
Government Advocate

W.P.(MD)No.5393 of 2025:

R.Saravana babu

: Petitioner



W.P.(MD)Nos.3599, 5393 & 7860 of 2025

Vs.

1.The Revenue Divisional Officer,
Tirunelveli.

2.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli.

3.The Assistant Commissioner,
Melapalayam Division,
Tirunelveli City Municipal Corporation,
Tirunelveli.

4.Rajeshwari

5.Jeyalakshmi

6.R.Subhalakshmi

7.P.Manikandan

: Respondents

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in Na.Ka.No.Aa8/1264/2024 dated 09.02.2025 and quash the same and consequently direct the respondents 1 and 2 to issue revenue patta in the name of the petitioner and respondents 4 to 6 and consequently issue Town Survey Patta also within the time frame fixed by this Court.



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For Petitioner : Mr.K.K.Udayakumar
For Respondents 1&2 : Mr.B.Saravanan,
Additional Government Pleader
For Respondent No.3 : Mr.A.Sivanupandian
For Respondent No.7 : Mr.V.Meenakshi Sundaram
for Mr.C.Gangai Amaran

W.P.(MD)No.7860 of 2025:

R.Saravana babu : Petitioner
Vs.

1.The Revenue Divisional Officer,
Tirunelveli.

2.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli.

3.The Assistant Commissioner,
Melapalayam Division,
Tirunelveli City Municipal Corporation,
Tirunelveli.

4.Rajeshwari

5.Jeyalakshmi

6.R.Subhalakshmi

7.P.Manikandan : Respondents



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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, calling for the records relating to the impugned order of the third respondent in C5/2989/18 dated 29.05.2018 and quash the same and consequently direct the respondents 1 to 3 to issue patta / town survey patta in the name of the petitioner and the respondents 4 to 6 in respect of the property in T.S.No.2/2 in Ward – AU, Block 11, Melapalayam Town, Palayamkottai Taluk, Tirunelveli District, within the time frame fixed by this Court.

For Petitioner : Mr.K.K.Udayakumar
For Respondents 1&2 : Mr.M.Lingadurai,
Special Government Pleader
For Respondent No.3 : Mr.A.Sivanupandian
For Respondent No.7 : Mr.V.Meenakshi Sundaram
for Mr.C.Gangai Amaran

COMMON ORDER

These three Writ Petitions being interconnected and also concerning the same parties to the *lis*, with the consent of the learned Counsel on either side, taken up for disposal.

2.The Writ Petition in W.P.(MD)No.3599 of 2025 has been filed for issuance of a Writ of Mandamus to forbear the respondents from



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issuing any patta pending appeal proceedings filed by the writ petitioner in unnumbered stage. The second Writ Petition in W.P.(MD)No.5393 of 2025, has been filed by the writ petitioner, who has succeeded before the trial Court and he seeks to challenge the order of the Tahsildar in Na.Ka.No.Aa8/1264/2024, where the Tahsildar has refused to act on the application of the petitioner to include his name in the patta pending the appeal petition in W.P.(MD)No.3599 of 2025. The third Writ Petition in W.P.(MD)No.7860 of 2025, has been filed again by the successful party in O.S.No.131 of 2011, before the trial Court, challenging the order of the third respondent directing mutation of the Town Survey Register in the name of the writ petitioner in W.P.(MD)No.3599 of 2025.

3. Heard the learned Counsel for the parties.

4. Admittedly, the petitioner in W.P.(MD)Nos.5393 & 7860 of 2025, has succeeded in a suit for declaration and injunction, where the trial Court has upheld the right of the writ petitioner. On the basis of the said judgment and decree and mutation of patta according to the writ petitioner in his father's name, the petitioner has sought for mutation by way of inclusion of his name in the joint patta. The revenue authorities have declined to act on the request of



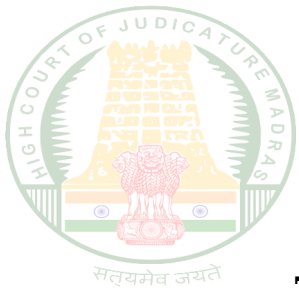
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the petitioner and have rejected the application, citing pendency of the first appeal.

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5. Having heard the parties, it is clear that admittedly, the defendant namely, the petitioner in W.P.(MD)No.3599 of 2025, aggrieved by the judgment and decree, has preferred an appeal along with an application to condone the delay of four days. However, pending the said application for condonation of delay in filing the first appeal, the father of the petitioner Pitchaiah died and therefore, further applications were necessitated and there has been a delay in filing the legal heir applications and therefore, consequential applications to condone delay in setting aside abatement have been filed and same are pending before the first appellate Court.

6. Learned Counsel for the petitioner in W.P.(MD)No.3599 of 2025, would submit that the petitioner has a right to move an application for stay of the judgment and decree of the trial Court in favour of the petitioner in W.P.(MD)Nos.5393 & 7860 of 2025. However, because of the delay of 4 days and subsequent passing away of the petitioner's father, the petitioner is unable to move an application for stay of the judgment and decree.



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7. Keeping in mind that trial Court, after elaborate trial has proceeded to pass a decree in favour of the petitioner in W.P. (MD)Nos.5393 & 7860 of 2025, mere pendency of the appeal cannot be put against the petitioner, seeking inclusion of his name. Necessary mutation based on the decree in O.S.No.131 of 2011 shall be given effect to, subject to the result of the pending appeal. The said exercise shall be carried out by the Tahsildar, within a period of four [4] weeks from the date of receipt of a copy of this order. However, it is made clear that neither of the parties namely, petitioners shall take advantage of the respective mutations in the revenue records and deal with the property, until the appeal is decided on merits.

8. Considering the fact that the delay is only four days and the applications for bringing on record the legal heirs of the deceased sole appellant are only formal applications, with the consent of the learned Counsel on either side, all the Miscellaneous Petitions, excepting the stay application are allowed. The first Appellate Court shall pass formal orders allowing all these petitions and permitting the appellants to get impleaded in the appeal as well as carry out amendments, within two weeks from the date of allowing of the said



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petitions and on such amendment being carried out, the appellate court shall formally number the said applications and the same shall be disposed of, within a period of four [4] weeks from the date of receipt of a copy of this order and thereafter, hear the main appeal and dispose of the same within a period of four [4] months, on merits. The restraining of alienation shall be subject to the final decision of the appellate court in the stay application.

9. Accordingly, these Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

04.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
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P.B.BALAJI., J.

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