



W.P.(MD)No.4260 of 2025

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 29.04.2025

CORAM

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

W.P.(MD)No.4260 of 2025

and

W.M.P.(MD)No.3061 & 3062 of 2025

Narasimha Naidu @ Babu

: Petitioner

Vs.

1.The District Revenue Officer,
Madurai District.

2.The Revenue Divisional Officer,
Madurai Revenue Division,
Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai.

4.N.Thiyagarajan

5.Balamurugan

6.Santhi

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Ne.Mu.No.E-2708517/2024/G5 dated 26.12.2024 and quash the same as illegal and arbitrary and in consequence thereof direct the first respondent to make necessary changes in the revenue records.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents 1 to 3 : Mrs.S.Jeyapriya
Government Advocate

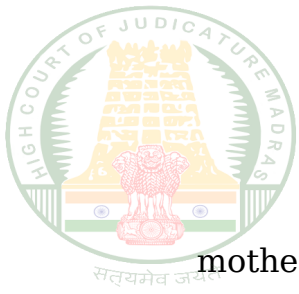
For Respondent No.4 : Mr.B.Saravanan,
Senior Counsel
for M/s.Saravanan Associates

ORDER

The Writ Petition has been filed challenging the order of the District Revenue Officer, Madurai, the first respondent in the writ petition.

2.I have heard the learned Counsel for the parties.

3.Learned Counsel for the petitioner Mr.Ganapathi Subramanian, would submit that the petitioner claims under a registered sale deed dated 26.02.1956 in favour of the petitioner's

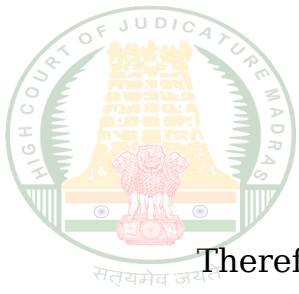


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mother. The said sale deed has been duly registered on the file of the Sub-Registrar, Madurai, in Document No.802 of 1956, claiming that the petitioner is in possession and enjoyment through his mother and thereafter in his personal possession. The revenue records were also mutated in the name of his father. However, all of a sudden to the petitioner's shock, the petitioner received a notice on an application made by the respondents 4 to 6 for cancellation of the said patta in the name of the petitioner's father.

4.Learned Counsel for the petitioner further submits that the respondents 4 to 6 claim under the registered sale deed, which is not reflected in the encumbrance certificate. To substantiate the same, learned Counsel for the petitioner has also filed the encumbrance certificate for the relevant period, which does not reflect the sale certificate issued in favour of the private respondent Thiraviam Pillai, husband of Ponnammal under whom the respondents 4 to 6 claim.

5.Learned Counsel would further submit that the sale certificate was not even produced at the time of enquiry before the District Revenue Officer and therefore, it has to be assumed that the sale deed is not registered with the Sub-Registrar's office concerned.



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Therefore, he sought for the Writ Petition being allowed, as the first respondent has passed the impugned order without application of mind and the finding is also perverse.

6.Per contra, Mr.B.Saravanan, learned Senior Counsel would submit that the respondents 4 to 6 claim under a prior registered sale certificate dated 16.03.1938, which has also been duly registered as Document No.925 of 1938. He would further contend that merely because the sale certificate which has been duly registered is not reflected in the Encumbrance Certificate, it would not nullify the sale certificate or take away the right of purchase in favour of Thiraviam Pillai. Learned Senior Counsel would submit that rightly, on an application made to the competent authority namely, first respondent, the first respondent, after giving a fair opportunity to all the parties found that patta has been mutated in the name of Ponnammal, wife of Thiraviam Pillai, even prior to UDR. Thereafter, post UDR, for reasons not known, patta has been changed in favour of Muniyasamy Naidu, who is the father of the writ petitioner. He would also point out a further mistake as splitting the name of Muniyasamy Naidu as Muni and Sami Naidu and subsequently, it has again reflected back as one person, namely Muniyasamy Naidu. The respondents 4 to 6 have claimed under the



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registered sale certificate issued by the Court in auction proceedings and sought restoration of patta in the name of Ponnammal, as it stood prior to UDR. The first respondent has taken into account the sale certificate and the mutation of the revenue records prior to UDR in the name of Ponnammal and has directed cancellation of patta standing in the name of Muniyasamy Naidu and restored the patta in the name of Ponnammal. The District Revenue Officer, has also given directions to the aggrieved party to approach the competent civil Court.

7. Learned Counsel for the petitioner claims that the petitioner alone has been in possession and enjoyment of the subject property. Per contra, the private respondents claim that they are in physical possession and not the petitioner.

8. All these disputed questions of fact can be dealt with only by competent civil Court and the District Revenue Officer, being the competent authority to go into the UDR mistakes has exercised his jurisdiction and passed orders, after giving opportunity to the parties and further directing the aggrieved party to approach the Civil Court in the event of seeking any modification in the said impugned order. Therefore, in the light of the above discussions, I do not find any



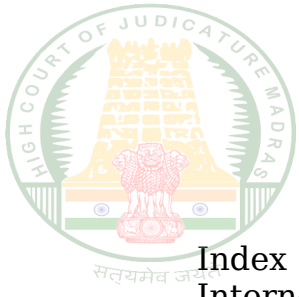
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perversity in the findings arrived at by the first respondent. It shall be open to the writ petitioner to approach the competent civil Court to establish his title under the registered sale deed of the year 1956 and also claims that the petitioner is a bonafide purchaser, without notice of the sale certificate which is reflected in the Encumbrance Certificate. All these issues can be decided by the competent Civil Court only after parties lead oral and documentary evidence.

9.In view of the fact that both parties claim that they are in possession, I direct the parties to maintain *status quo* for a period of twelve [12] weeks from the date of receipt of a copy of this order, to enable the petitioner to move the appropriate civil Court and seek interim relief in the suit to be filed to establish his title. It is made clear that the civil Court shall independently decide the issues that arise for consideration in the suit without being influenced by any of the observations made in the impugned order.

10.Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.04.2025



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WEB COURT

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR

To

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P.B.BALAJI., J.

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