



W.P.(MD)No.4157 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.(MD)No.4157 of 2025
and
W.M.P.(MD)Nos.3004 and 3006 of 2025

Karuppanan

... Petitioner

vs.

1.The District Revenue Officer,
Thoothukudi District, Thoothukudi.

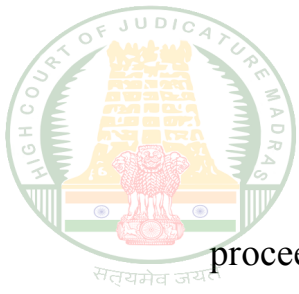
2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti, Thoothukudi District.

3.The Tahsildar,
Taluk Office, Vilathikulam Taluk,
Thoothukudi District.

4.Muniyasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent vide proceedings No.Ni.Mu.Aa2/11706/2023 dated 07.12.2023 and the consequential impugned order passed by the first respondent vide



W.P.(MD)No.4157 of 2025

proceedings in No.Na.Ka.No.D6/1655604/2023 dated 10.01.2025 and to quash the same as illegal, improper, unlawful, unconstitutional and arbitrary and consequently to direct the respondents to restore the patta in the name of the petitioner in Patta No.596 within a time frame that may be stipulated by this Court.

For Petitioner	:Mr.R.Murugan
For R1 to R3	:Mrs.K.Malathi
	Additional Government Pleader

ORDER

The petitioner challenges the order of the second respondent in Ni.Mu.Aa2/11706/2023 dated 07.12.2023 and the consequential order of the first respondent confirming the order of the second respondent in Na.Ka.No.D6/1655604/2023, dated 10.01.2025.

2.I have heard Mr.R.Murugan, learned Counsel for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader appearing for the official respondents. The fourth respondent despite service of notice, had not chosen to appear either in person or through Counsel.



W.P.(MD)No.4157 of 2025

WEB COPY

3.The learned Counsel for the petitioner would submit that the petitioner's father had been granted patta in respect of the subject lands and after the demise of the petitioner's father, revenue records have all been mutated in the name of the petitioner and the petitioner has also been paying taxes for the subject lands right from 1987 without any disturbance or obstruction from any person, including the other legal heirs of his father, Late.Poochandi. However, the fourth respondent claiming that Late.Poochandi was his maternal great grandfather has sought for cancellation of patta. The learned Counsel for the petitioner would submit that the authorities ought to have directed the fourth respondent to approach the competent civil Court to establish his entitlement for patta, especially when legal heirship certificate produced by the petitioner, dated 27.02.2023 has also been referred to even in the impugned orders.

4.I have gone through the entire records.



W.P.(MD)No.4157 of 2025

WEB COPY

5.While the official respondents finding that the fourth respondent had not established his claim as great grandson of Late Poochandi, the officials respondents ought to have advised the fourth respondent to approach the civil Court to redress his grievances instead of cancelling the patta, which stood in the name of the petitioner from the year 2020. Further, when the fourth respondent has challenged the patta that stood in the name of the petitioner and has not been able to produce any substantial or satisfactory documentary evidence to establish his entitlement to the said property, the official respondents clearly fell in error in acceding to the request of the fourth respondent and proceeding to cancel the patta standing in the name of the petitioner.

6.Following the ratio laid down by Hon'ble Division Bench of this Court in *Vishwas Footwear Company Ltd., -vs- The District Collector*, reported in *2011-5-CTC-94*, the revenue authorities ought not to have decided such complex issues of title, especially when the petitioner claims to be the fourth generation heir of Late.Poochandi, which is also not backed by any satisfactory documentary evidence.



W.P.(MD)No.4157 of 2025

WEB COPY

7. In view of the above, the impugned orders are liable to be set aside. In fine, the Writ Petition is allowed and the impugned orders are quashed. The fourth respondent is at liberty to approach the competent civil Court, if so advice to establish his right in the subject lands. No costs. Consequently, connected miscellaneous petitions are closed.

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

19.03.2025

cmr

To

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2. The Revenue Divisional Officer,
Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

3. The Tahsildar,
Taluk Office, Vilathikulam Taluk,
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W.P.(MD)No.4157 of 2025

P.B.BALAJI, J.

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W.P.(MD)No.4157 of 2025

19.03.2025