



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2025

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.5487 of 2024
and
W.M.P(MD)No.5247 of 2024

1.Perumayi

2.Chitra

3.Chellapandiyammal

4.Soundarapandi

5.Uthaman

...Petitioners

Vs

1. The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2. The Tahsildar,
Peraiyur Taluk,
Madurai District.

3. Sivanammal

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 05.02.2024 in Pa.Mu.No.4022/2022/A2 passed by the first respondent and quash the same.



For Petitioners : Mr.J.Barathan
For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R1 and R2
Mr.V.Manikandan for R3

ORDER

On the basis of sale deed dated 25.08.1999 patta was mutated in the names of the petitioners. The 3rd respondent filed an appeal before the Revenue Divisional Officer seeking cancellation of such patta and the restoration of patta in the name of the 3rd respondent on the basis of settlement deed dated 15.10.1998. The Revenue Divisional Officer allowed the said appeal. The said order is impugned herein.

2.Learned counsel for the petitioners submits that the property in S.No. 156/1 of an extent of 7 acres and 15 cents was purchased by the father of the petitioners under registered sale deed dated 25.08.1999. Because the 3rd respondent attempted to interfere with the peaceful possession and enjoyment of the property, it is stated that their father filed O.S.No.393 of 2007 before the learned District Munsif, Thirumangalam for a permanent injunction to restrain the 3rd respondent herein from interfering with the peaceful possession and enjoyment of the property. The suit was decreed ex parte by the judgment dated



26.10.2015. Merely on the ground that an application to condone delay in filing the application to set aside the ex parte decree was pending, learned counsel contends that the appeal was allowed and the patta in the names of the petitioners was cancelled.

3. In response to these contentions, learned counsel for the 3rd respondent points out that the 3rd respondent acquired title to the property under a settlement deed executed in her favour by her mother on 25.06.1998 and that patta No.1790 was issued to the 3rd respondent on 15.10.1998. Therefore, he contends that the subsequent sale deed in favour of the petitioners is not valid. He also points out that his application to set aside the ex parte decree is pending consideration by the first appellate court.

4. It appears prima facie that there is a title dispute between the petitioners, on the one hand, and the 3rd respondent, on the other. Such title dispute cannot be decided by the revenue authorities and it becomes necessary for the petitioners to approach the jurisdictional civil court in that regard. The other option open to the petitioners is to file a revision petition before the District Revenue Officer. By leaving it open to the petitioners to either approach the jurisdictional civil court to resolve the title dispute or file a revision petition



before the District Revenue Officer, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is also closed.

23.10.2025

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

To

1. The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2. The Tahsildar,
Peraiyur Taluk,
Madurai District.



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SENTHILKUMAR RAMAMOORTHY, J.

RJR

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