



W.A(MD)No.668 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.668 of 2025
and
C.M.P(MD)Nos.4740 & 4741 of 2025**

1.R.Balashankar

2.R.Raghavan

... Appellants /
Respondents 5 & 6

Vs.

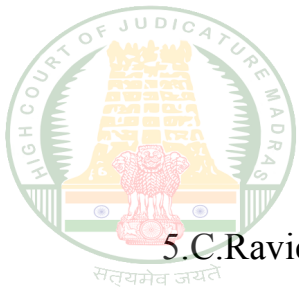
1.The District Collector,
Collectorate,
Madurai District.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Melur, Madurai District.

3.The Tahsildar,
Taluk Office,
Melur,
Madurai District.

4.The Sub Registrar,
Sub Registrar Office,
Melur West,
Madurai.

... Respondents 1 to 4 /
Respondents 1 to 4



5.C.Ravichandran

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... 5th Respondent /
Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 27.02.2025 in W.P(MD)No.5326 of 2025 and thereby allow the above Writ Appeal.

For Appellants : Mr.S.Parthasarathy
Senior Counsel
for Mr.P.Dinesh Kumar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.1 to R.4

Mr.K.Baalasundaram
Senior Counsel
for M/s.KBS Law Office for R.5

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.Thiru.C.Ravichandran, the writ petitioner herein has title over T.S.No. 39 while the appellants herein have title over T.S.No.38. The case of the writ petitioner is that his land has been erroneously included in the appellants' patta and as a result there is a short fall in his actual extent. The writ petitioner has therefore filed O.S.No.26 of 2021 on the file of Distict Munsif Court, Melur



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claiming injunction. An Advocate Commissioner was appointed. According to the report of the Advocate Commissioner, the extent of property under dispute is around 30 sq.ft. According to the writ petitioner, the disputed extent is around 111 sq.ft. Seeking correction of the revenue records, W.P(MD)No.5326 of 2025 was filed. The learned single Judge allowed the writ petition vide order dated 27.02.2025. Aggrieved by the same, this Writ Appeal has been filed.

3.The order made in the writ petition operates to the prejudice of the appellants. But the appellants were not put on notice or heard before the writ petition was allowed. The appellants have been visited with an adverse order without the principles of natural justice having been complied with. On this sole ground, we could have set aside the order of the learned single Judge. The learned counsel for the appellants states that he has no serious objection regarding the direction given in paragraph 5 of the learned single Judge which reads as follows:

“5. Having heard the learned counsel for the parties, I deem it fit to allow the writ petition with a direction to the second respondent the Revenue Divisional Officer to consider the petitioner's application and if necessary, direct the third respondent to conduct a survey, take measurements based on



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the petitioner's documents, title deeds and any earlier revenue records and also consider the objections of the respondents 5 & 6, if any, and thereafter the second respondent shall pass orders on merits, in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.”

4.The grievance of the appellants is more regarding the direction given in paragraph 7 which restrains their right to deal with the property. Paragraph 7 of the said order reads as follows:

“7. The learned Special Government Pleader would invite my attention to the objections given by the petitioner to the Registration Department and including the fourth respondent the Sub-Registrar in this regard. Therefore, the fourth respondent is directed to not register any document which infringes upon the sale deeds in favour of petitioner to a total extent of 1488 square feet until such time the petitioner's application for rectification dated 10.02.205 is disposed by the second respondent as directed herein above.”

5.When patta stands in favour of the appellants, they cannot be restrained from dealing with the property. This is particularly so when the writ petitioner has failed to obtain an order of injunction in the pending civil suit. We, however, make it clear that any alienation made by the appellants would abide by the outcome of the civil suit. The direction given in paragraph no. 7 of the impugned order alone is set aside. When the revenue authority takes up the



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matter pursuant to the direction given in paragraph no.5, both the sides will have to be heard and the title documents of both the parties taken into account.

6.This Writ Appeal is partly allowed. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [K.R.S., J.]
05.08.2025

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

To

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G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

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Copy to

The District Munsif Court,
Melur.

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