



W.P.(MD) No.6598 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.6598 of 2023

Tamilselvi

... Petitioner

Vs.

1.The Deputy Collector (Revenue),
Thanjavur, Thanjavur District.

2.The Revenue Divisional Officer,
Thanjavur, Thanjavur District.

3.The Tahsildar,
Boothalur Taluk,
Thanjavur District.

4.Selvakumar

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in Na.Ka.No.3137/2020/Oo(2), dated 27.12.2022 and quash the same and consequently direct the respondents 1 to 3 to restore the revenue entries to its original position before the alleged settlement deeds in favour of the fourth respondent.



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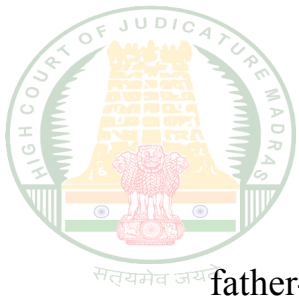
For Petitioner : Mr.K.K.Senthil
For R1 to R3 : Mr.A.Baskaran
Additional Government Pleader
For R4 : Mr.S.Sivathilakar

ORDER

The writ petition is filed challenging the order passed by the first respondent, allowing the revision filed by the fourth respondent and relegating the parties to workout their remedies in a pending suit in O.S.No.167 of 2017 on the file of the District Munsif Court, Thanjavur.

2.Heard the arguments of Mr.K.K.Senthil, learned counsel appearing for the petitioner, Mr.A.Baskaran, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.S.Sivathilakar, learned counsel appearing for the fourth respondent.

3.According to the petitioner, the subject properties in Survey Nos. 458/1, 458/2, 460/6, 460/7, 460/8, 458/4, 453/3A, 460/9, 526/16 and 527/3, situated in Sengipatti Village, Boothalur Taluk, Thanjavur District were purchased in the name of her mother-in-law, Thangapappa, out of the earnings of the petitioner's husband, Kumaresan. The petitioner's



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father-in-law viz., Kalyanasundaram filed a suit in O.S.No.46 of 2012 on the file of Sub Court, Thanjavur, against his wife, the above mentioned Thangapappa and obtained declaration that the subject properties were his properties. Based on the said decree, the revenue records were mutated in the name of the petitioner's father-in-law. Subsequently, he executed two settlement deeds dated 09.09.2014 and 25.09.2015 in favour of his younger son Selvakumar, the fourth respondent herein, that too, immediately after the death of the petitioner's husband, Kumaresan. After acquiring knowledge about the said settlement deeds, the petitioner filed a protest petition before the third respondent, requesting not to mutate the revenue records. The petitioner also filed a civil suit in O.S.No.167 of 2017 on the file of District Munsif Court, Thanjavur, seeking declaration that the settlement deeds dated 09.09.2014 and 25.09.2015, executed by Kalyanasundaram, in favour of the fourth respondent herein, were null and void. At the time of arguments, the learned counsel for the petitioner submitted that the plaint was subsequently amended to include a prayer to set aside the decree obtained by Kalyanasundaram against his wife Thangapappa in O.S.No. 46 of 2012.



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4. In the meantime, the third respondent mutated the revenue records in favour of the fourth respondent based on the settlement deeds. Therefore, the petitioner filed an appeal before the second respondent and the said appeal was allowed and the petitioner's name was ordered to be included in the revenue records. Aggrieved by the same, the fourth respondent preferred a revision before the first respondent and by the impugned order, the said revision petition was allowed and the order passed by the second respondent including the name of the petitioner in the revenue records was set aside. The parties were relegated to the Civil Court. Aggrieved by the said order, the petitioner has come before this Court.

5. The learned counsel for the petitioner would submit that when the first respondent relegated the parties to work out their remedy before the Civil Court, he ought to have set aside the order of mutation of the revenue records in favour of the fourth respondent.

6. The learned counsel for the fourth respondent would submit that the fourth respondent's father, Kalyanasundaram already obtained a



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decree in O.S.No.46 of 2012 declaring his title over the subject property and thereafter, he executed registered settlement deeds in favour of the fourth respondent and the validity of the settlement deeds is challenged by the petitioner in O.S.No.167 of 2017. In these circumstances, the first respondent is justified in setting aside the order passed by the second respondent including the name of the petitioner in the revenue records and relegating the parties to workout their remedy before the Civil Court.

7.It is seen from the averments found in the affidavit filed in support of the writ petition, counter affidavit and the typed set of papers that the fourth respondent's father and the petitioner's father-in-law, Kalayasundaram filed a civil suit against his wife, Thangapappa, in whose name the sale deed in respect of the subject properties originally stood and obtained a decree declaring his title. The decree obtained by Kalayasundaram is said to have been challenged by the petitioner in O.S.No.167 of 2017. Based on the said decree, Kalyanasundaram executed two settlement deeds dated 09.09.2014 and 25.09.2015 in favour of the fourth respondent and the validity of the settlement deeds was also challenged by the petitioner in the above said suit.



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8.As on today, based on the Civil Court decree in O.S.No.46 of 2012 and two registered settlement documents, the fourth respondent claims right over the subject properties. Based on those documents, the third respondent recorded the fourth respondent's name in the revenue records. The petitioner filed a suit challenging the settlement deeds as well as the decree and the said suit is said to be pending on the file of District Munsif Court, Thanjavur. Unless, petitioner succeeds in her civil litigation, she cannot claim any right over the subject property in view of earlier civil Court decree in O.S.No.46 of 2012 in favour of Kalyanasundaram and two registered settlements executed by him in favour of fourth respondent. In these circumstances, the first respondent is justified in setting aside the order passed by the second respondent including the name of the petitioner in the revenue records and relegating the parties to work out the remedy before the civil Court.

9.The learned counsel for the fourth respondent would submit that the suit filed by the petitioner in O.S.No.167 of 2017 was dismissed for default on 02.07.2025. However, the learned counsel for the petitioner submitted that the petitioner has got 30 days time to file an application to



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restore the suit.

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10.In the writ proceedings, this Court cannot go into the question of validity of the settlement deeds and the decree passed by the civil Court in O.S.No.46 of 2012, which involves disputed question of facts. Therefore, I do not find any error in the order passed by the first respondent and accordingly, this Writ Petition stands dismissed. It is open to the petitioner to work out her remedy before the Civil Court. No costs.

09.07.2025

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

1.The Deputy Collector (Revenue),
Thanjavur,
Thanjavur District.

2.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.



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S.SOUNTHAR,J

cp

3.The Tahsildar,
Boothalur Taluk,
Thanjavur District.

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Dated: 09.07.2025