



W.P.(MD)No.10095 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.10095 of 2024
and
W.M.P.(MD).No.9117 of 2024

Chinnathai

... Petitioner

Vs.

1. State Rep. By
The District Collector, Collectorate Campus,
Theni District.
2. State Rep. By
The District Revenue Officer,
Theni District, Theni
3. State Rep. By
The Revenue Divisional Officer,
Thamaraikulam, Periyakulam, Theni District
- 4 State Rep. By
The Tahsildar, Periyakulam Taluk,
Theni District
5. State Rep. By
The Firka Surveyor, Thennakarai Group,
Periyakulam Taluk, Periyakulam,
Theni District.
6. M.Ponnuthai



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7. P.Balamurugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 12.12.2023 in Oo.Mo.No. 7933/2023/Aa1 and quash the same as illegal and arbitrary and consequently direct the 4th respondent to cancel the patta No.8214 and to restore the Patta No.3368 jointly stands in the name of 1.Duraisamy 2.Guruvan 3.Okaiyee and 4.Ponnuthai daughter of Marimuthu to an extent of 0.26.00 Ares in S.No.343/2 and Patta No.3201 stands jointly in the name of 1.Duraisamy 2.Chinna Vellaiyan and 3.Ponnuthai to an extent of 0.71.00 Ares.

For Petitioner : Mr.V.Muthumani

For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R1 to R5

: Mr.P.Muthu Vijaya Pandian
for R6 & R7

ORDER

The petitioner challenges the impugned order passed by the fourth respondent in Oo.Mo.No.7933/2023/Aa1 dated 12.12.2023 and to consequently direct the fourth respondent to cancel the patta No.8214



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and to restore the joint patta No.3368 in the names of Duraisamy and three others to an extent of 0.26.00 Ares comprised in S.No.343/2 in joint patta No.3201 in the names of Duraisamy and two others to an extent of 0.71.00 Ares.

2. I have heard Mr.V.Muthumani, the learned counsel appearing for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 5 and Mr.P.Muthu Vijaya Pandian, learned counsel appearing for the respondents 6 and 7.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 63 years and she got the property by way of settlement deed executed by her husband in the year 2010 and that the petitioner has been in possession and enjoyment of the suit property. It is the specific case of the petitioner that one Marimuthu created a forged settlement deed on 12.01.2011 in favour of the sixth respondent, who in turn subsequently sold the said property in favour of the seventh respondent in and by sale deed dated 22.06.2023.



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4. The learned counsel for the petitioner would submit that the settlement deed was limited to an extent of 60 ½ cents in survey No. 344/2. However, for a larger extent of 1 Acre and 75 cents, the 7th respondent has purchased under the said sale deed dated 22.06.2023 and based on the sale deed in his favour, has also obtained patta in his name. The petitioner has thereafter approached the 4th respondent to cancel the patta issued in the name of 7th respondent and to mutate patta jointly in the name of Duraiswamy and others. The fourth respondent, in and by the impugned order dated 12.12.2023, has noticed the various mutation of revenue records, based on the registered documents and rightly came to the conclusion that the petitioner has to approach the Civil Court to seek cancellation of the sale deeds in favour of the seventh respondent in Document Nos. 2151/2023 and 2153/2023 before seeking a relief of cancellation of patta.

5. I do not find any infirmity in the said order passed by the 4th respondent. The revenue authorities cannot go into complex questions of title. It is the admitted case of the petitioner that the private respondents had created fraudulent and forged documents and all these matters can



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only be adjudicated only before the competent civil court and not before the revenue authorities. Therefore, I am not inclined to interfere with the impugned order passed by the fourth respondent. However, liberty is given to the petitioner to approach the competent civil Court to redress her grievances. At this juncture, the learned counsel for the petitioner would invite my attention to the interim injunction granted by this Court at the time of admitting the writ petition, injunction to forbear any survey to be conducted at the instance of the seventh respondent. The said injunction is in force till today.

6. Considering the above, the injunction order shall be continued only for a period of eight more weeks from today, to enable the petitioner to move the Civil Court by way of an interim injunction and the trial Court shall consider the said interim application, without being influenced by any of the observations made by this Court, either at the time of granting the interim order or while disposing of the writ petition. If any such interlocutory application is filed, the trial Court, after hearing the petitioner as well as the respondents 6 and 7, shall decide the same in accordance with law and pass orders on its own merits.



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7. With the above liberty, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

04.03.2025

To

1 The District Collector,
Collectorate Campus,
Theni District

2 The District Revenue Officer,
Theni District, Theni

3 The Revenue Divisional Officer,
Thamaraikulam, Periyakulam,
Theni District

4 The Tahsildar,
Periyakulam Taluk,
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5 The Firka Surveyor,
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Periyakulam Taluk, Periyakulam,
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P.B. BALAJI, J.

LS

Order made in
W.P.(MD)No.10095 of 2024
and
W.M.P.(MD)No.9117 of 2024

Dated:
04.03.2025