



W.P.(MD)No.4338 of 2019

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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.4338 of 2019

Innasi Ammal

... Petitioner

/Vs./

- 1.The District Collector,
Office of the District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Illuppur, Pudukkottai District.
- 3.The Tahsildar,
Taluk Office,
Viralimalai,
Pudukkottai District.
- 4.Mr.Palraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 09.05.2018 in Moo.Moo.A3/5352/2015 passed by the second respondent and quash the same and thereby direct the third



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respondent to issue patta for property admeasuring 0.44.0 Hec at Survey No.29/1C situated at Mathayanaipatti Village, Viralimalai Taluk, Pudukkottai District in the name of this petitioner within stipulated period.

For Petitioner	: Mr.B.Rajesh Saravanan
For R1 to R3	: Mr.M.Lingadurai Special Government Pleader
For R4	: Mr.K.C.Maniyarasu

ORDER

Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the private respondent No.4.

2. The petitioner challenges the impugned order dated 09.05.2018, on the file of the second respondent.

3. The learned counsel appearing for the petitioner would submit that the petitioner has got the property by way of a registered settlement deed dated 02.12.2009, in document Number 4895/2009 and patta has also been mutated in the name of the petitioner. Even earlier, the petitioner's husband and his mother were joint owners of the property



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and they had also exercised their rights of ownership by mortgaging the said property with Pudukkottai Primary Agricultural Cooperative Bank, by a registered mortgage deed in document No.2831/ 2002. Thereafter, the said mortgage was also discharged by a registered instrument in document number 2981 of 2009. While so, the fourth respondent attempted to interfere with the possession of the petitioner and hence, the petitioner has filed a suit against the fourth respondent in O.S.No.12 of 2010, on the file of the District Munsif Court, Keeranur. The suit was decreed though exparte on 19/12/2011 and admittedly, as on date, the decree has attained finality.

4. The learned counsel for the fourth respondent, however, would submit that the application is pending before the first appellate Court seeking condonation of delay in filing the appeal. The said application appears to have filed only in the year 2024 before the Sub Court, Karur. The decree has been passed way back in the year 2011 and after a lapse of 13 years, the fourth respondent has chosen to file an appeal with huge delay.



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5. Without going into the merits of the said delay application, it would suffice to note that as on date, the decree in favour of the petitioner stands and based on the decree as well as the gift deed, a patta was mutated in the name of the petitioner. The petitioner has challenged the patta being granted to the fourth respondent, that too, without notice to the petitioner and based on an unregistered sale deed, under which the fourth respondent claims.

6. I have gone through the impugned order. The second respondent has not given any notice to the petitioner before passing the impugned order. Further, after having considered the documentary evidence available on the side of the petitioner and taking into account the fact that there is only an unregistered sale deed in favour of the fourth respondent. The second respondent has proceeded to grant patta in the name of the fourth respondent, the reasons assigned in the impugned order are clearly unsustainable in the eye of law. The second respondent has also given findings which are contrary to the findings of the Civil Court in a decree in O.S.No.12/2010, joining the writ petitioner alone is in possession and enjoyment of the subject lands.



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7. In view of the above, the impuged order is liable to set aside. If at all the fourth respondent ultimately succeeds in his attempts to challenge the decree in the suit, O.S.No.12 of 2010, then it may be open to him to make an appropriate application for mutation of records in his name. The third respondent shall pass orders restoring the patta in the name of the petitioner within a period of eight weeks from today.

8. Accordingly, the writ petition is allowed. No costs.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
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