



W.A.(MD)No.1135 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2025

CORAM

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

**W.A.(MD)No.1135 of 2025
and
C.M.P.(MD)No.7129 of 2025**

1.R.Shanmugam

2.S.Vijayalakshmi

... Appellants

Vs.

1.M.S.Prabhu

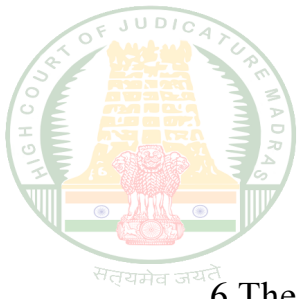
2.The District Collector,
The District Collectorate,
Trichy - 620001.

3.The District Revenue Officer – cum -
District Additional Magistrate ,
The District Revenue Officer,
Trichy.

4.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Trichy.

5.The Tahsildar
Thiruverumbur Taluk,
Trichy - 620013.

1/7



W.A.(MD)No.1135 of 2025

6.The Zonal Deputy Tahsildar,
Thiruverumbur Taluk,
Trichy - 620013.

7.R.Lakshmi

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.8573 of 2022 dated 15.04.2025 on the file of this Court.

For Appellants : Mr.Sricharan Rengarjan, Senior Counsel,
For Mr.M.S.Parthiban.

For Respondents : Mr.M.S.Prabhu, Party-in-person
Mr.A.Kannan,
Addl. Government Pleader for R2 to R6.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard the learned senior counsel for the appellants and the learned Additional Government Pleader for the official respondents. Since the learned counsel for the writ petitioner / first respondent is absent, M.S.Prabhu himself appeared before us in person and advanced his arguments.



W.A.(MD)No.1135 of 2025

WEB COPY

2.The case on hand pertains to S.No.128/1A, Guntoor Village, Thiruverumbur Taluk, Trichy District. The first appellant / Shanmugam purchased the petition mentioned property vide sale deed dated 02.06.1983 from one T.N.Ramakrishnan. Based on the same, Shanmugam's name was entered in the UDR. The case of the writ petitioner / M.S.Prabhu is that the petition mentioned property was actually allotted to his father / Suirya Narayanan in the partition deed dated 27.12.1967 and that Shanumgam's vendor / T.N.Ramakrishnan had no right or title to alienate the same. With this request, he approached the District Revenue Officer for effecting correction in the revenue record. Since it was not considered, he filed W.P.(MD)No.1104 of 2019 and this Court vide order dated 05.09.2019 disposed of the writ petition with a direction to the District Revenue Officer to consider M.S.Prabhu's request. Pursuant to the said direction, the District Revenue Officer took up enquiry and vide order dated 21.03.2022 rejected the request of M.S.Prabhu. Aggrieved by the same, M.S.Prabhu filed W.P.(MD)No.8573 of 2022. The learned Single Judge vide order dated 15.04.2025 set aside the order of the District Revenue Officer as well as the consequential order passed by the Zonal Deputy Tahsildar and



W.A.(MD)No.1135 of 2025

allowed the writ petition. The learned Single Judge directed the Tahsildar to issue patta in favour of M.S.Prabhu and the other legal heirs of T.N.Suriya Narayanan. Aggrieved by the same, this writ appeal has been filed.

3.It is quite possible that averments of M.S.Prabhu are justified and correct. But the the only question that calls for consideration is whether the revenue record could be altered at this distance of time at his instance. The learned senior counsel for the appellant drew our attention to the decision reported in **2014 (59) R.C.R.(Civil) 244 (M.Subramanian Vs. V.K.R.Subramanian Athithan)**. It was held therein that if a particular name has been shown in the revenue record for more than twenty years, the person seeking to alter the status quo has to approach the civil court and he cannot seek restoration of patta in his name. Respectfully applying the aforesaid ratio, we set aside the order of the learned Single Judge. It appears that during the intervening period, the first appellant had settled the petition mentioned property in favour of his wife / second appellant. The appellants through their counsel give an undertaking before us that in the event of the writ petitioner instituting



W.A.(MD)No.1135 of 2025

any civil suit within a period of two months from today ie., 02.07.2025,
they will not alienate or further encumber the petition mentioned
property till the disposal of the suit.

4.Recording the said undertaking, this writ appeal is allowed. No
costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.R.S. J.)
02.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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5/7



W.A.(MD)No.1135 of 2025

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W.A.(MD)No.1135 of 2025

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