



W.P.(MD) No.12799 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 04.07.2025

PRONOUNCED ON : 28.07.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.12799 of 2025
and W.M.P.(MD) No.9236 of 2025

S.Panchammal

... Petitioner

Vs

1. The District Collector,
Madurai District,
Madurai.
2. The District Revenue Officer,
Madurai District,
Madurai.
3. The Revenue Divisional Officer,
Madurai District,
Madurai.
4. The Tahsildhar,
Peraiyur Taluk,
Madurai District.
5. B.Parameshwari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of 3rd respondent relating to the impugned proceedings in



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Pa.Mu.En.2367212/20024K dated 17.03.2025 and set aside the same as illegal, arbitrary in violation of the principles of law and consequently directing the respondents not to effect any alteration in revenue records or encumbrances in respect of the petitioner's property situated in Survey No.32/2, 31/6, 31/7 and 32/4 of Melakuilkudi Village, Madurai west Taluk, Madurai District measuring a total extent of 2 acre 22 cents.

For Petitioner : Mr.V.Balaji

For Respondents : Mrs.S.Jeya Priya,
Govt. Advocate for R1 to R4

Mr.K.K.Samy for R5

ORDER

This Writ Petition is filed challenging the order passed by the third respondent disposing the application filed by the 5th respondent by directing her to approach the civil Court for seeking appropriate remedy and further directing the cancellation of patta issued in the name of petitioner's vendor M.Karthikeyan and restoration of patta in the name of original owner Petchiammal.

2. Heard the arguments of Mr.V.Balaji, learned counsel for the petitioner, Mr.S.Jeya Priya, learned Government Advocate appearing for the respondents 1 to 4 and Mr.K.K.Samy, learned counsel appearing for



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the fifth respondent.

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3. It is not in dispute that the subject property originally belonged to Petchiammal. According to the petitioner, original owner Petchiammal, executed a registered sale deed dated 01.08.1995, conveying the subject property in favour of one Karthikeyan. Subsequently, patta for the subject property was mutated in favour of Karthikeyan. Later, he executed power deed in favour of M/s.Maxworth Country (India) Limited Company on 31.08.2000. Subsequently, the said Karthikeyan, represented by power agent M/s.Maxworth Country (India) Limited Company, executed seven registered sale deeds dated 02.09.2010 in favour of petitioner, her daughters, her husband and one Geethanjali. From the said date, the purchasers have been in possession and enjoyment of their respective plots. It is further stated by the petitioner that suppressing the sale in favour of petitioner's vendor Karthikeyan, the original owner Petchiammal executed a Will in favour of her daughter viz., the 5th respondent on 27.10.2003. Based on the said Will, the 5th respondent executed three gift settlement deeds dated 02.06.2008 in favour of her sons and daughter.

4. It is forcibly contended by the petitioner that after execution of



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sale deed in favour of Karthikeyan on 01.08.1995, the above said

Petchiammal had no title to convey a good title to the 5th respondent.

The 5th respondent, based on the Will executed in her favour, managed to change patta in her name. Aggrieved by the same, the petitioner's vendor Karthikeyan preferred an appeal before the Revenue Divisional Officer, Madurai and he in his proceedings in Ne.Mu.No.18380/2008, cancelled the patta that was granted in favour of the 5th respondent and restored the patta in favour of Karthikeyan.

5. It is further stated that Karthikeyan filed a suit in O.S.No.397 of 2011 on the file of District Munsif Court, Madurai against the 5th respondent and the settlees under her seeking declaration that settlement deeds executed by the 5th respondent were null and void and for consequential reliefs. The said suit was dismissed by the trial Court on 05.09.2013. Aggrieved by the said judgment and decree, Karthikeyan filed an appeal in A.S.No.75 of 2013 on the file of the Principal Sub Court, Madurai and the said appeal was allowed and the suit got decreed. Aggrieved by the same, the 5th respondent and the settlees under her filed a Second Appeal before this Court in S.A.(MD)No.265 of 2014. The same was allowed on technical ground that Karthikeyan, who already



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6. The learned counsel appearing for the petitioner would submit that Petchiammal already sold the subject property in favour of petitioner's vendor Karthikeyan in the year 1995 itself. Therefore, subsequent Will executed by her in favour of the 5th respondent will not convey any title to the 5th respondent. Accordingly, the third respondent was justified in relegating the parties to work out their remedy before the civil Court. The learned counsel further submits that having relegated

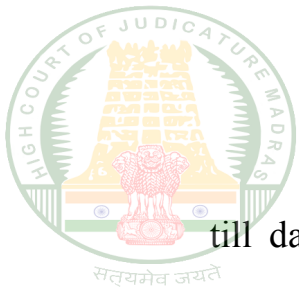


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the parties to work out their remedy before the civil Court, the third respondent ought not have cancelled the patta issued in the name of petitioner's vendor Karthikeyan and restored the patta in the name of Petchiammal.

7. The learned counsel appearing for the contesting 5th respondent by relying on the judgment passed by this Court in S.A.(MD)No.265 of 2014 submitted that the suit filed by Karthikeyan seeking cancellation of settlement deeds executed by 5th respondent in favour of her children was dismissed by making very strong observation against his attitude. In these circumstances, the third respondent was justified in cancelling the patta that stood in the name of Karthikeyan and restoring the patta in the name of Petchiammal.

8. It is not in dispute that the subject property originally belonged to Petchiammal, vendor of the petitioner's vendor and mother of the 5th respondent. The petitioner claims that Petchiammal under a registered sale deed dated 01.08.1995 sold the subject property in favour of petitioner's vendor Karthikeyan. The said sale deed has not been challenged or set aside in the manner known to law by the 5th respondent



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till date. On the other hand, the 5th respondent claims right under a registered Will executed by Petchiammal on 27.10.2003. When Petchiammal sold the subject property in favour of Karthikeyan on 01.08.1995, the Will executed by her dated 27.10.2003 will not convey any good title to the 5th respondent, unless the title document in favour of Karthikeyan is challenged and set aside in the manner known to law. In fact, the 5th respondent obtained patta based on the Will executed in her favour by moving the 4th respondent. Thereafter, the petitioner's vendor Karthikeyan moved the third respondent and got the cancellation of patta transfer order and obtained patta in his name. The said order was said to have been challenged by the 5th respondent before the revisional authority viz., the second respondent and her revision came to be dismissed. In the meantime, the civil suit filed by the petitioner's vendor seeking declaration that the settlement deeds executed by 5th respondent in favour of her children were null and void came to be dismissed by virtue of judgment and decree passed in S.A.(MD)No.265 of 2014 dated 23.09.2022.

9. Based on the said change of circumstances, the fifth respondent filed an application before the 4th respondent seeking issuance of patta in



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her name. Her application was forwarded by the 4th respondent to third respondent and the impugned order came to be passed by the third respondent. Now the main question to be decided is whether the dismissal of the suit filed by the petitioner's vendor Karthikeyan by virtue of judgment and decree passed in above mentioned second appeal, can be termed as a material change of circumstances to enable the 5th respondent to invoke Section 10 of the Tamil Nadu Patta Pass Book Act, 1983 and seek issuance of patta in her name.

10. As narrated earlier, the sale deed executed by original owner Petchiammal in favour of Karthikeyan is intact and the same is not set aside in the manner known to law. Subsequent Will executed by Petchiammal in favour of 5th respondent *prima facie* will not convey any title to the 5th respondent, when sale deed executed by Petchiammal is intact. If it is the case of 5th respondent that such sale deed is invalid, it is for her to get appropriate declaration from the civil Court. Therefore, the third respondent rightly relegated the 5th respondent to approach the civil Court for working out her remedy. However, having relegated the parties to work out their remedy before the civil Court, the third respondent wrongly passed further orders cancelling the patta that stood in the name



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of Karthikeyan, who purchased the property from Petchiammal and restoring the patta in the name of Petchiammal.

11. A Division Bench of this Court in ***Vishwas Footwear Company Ltd., Vs. The District Collector, Kancheepuram and others*** reported in **2011 (5) CTC 94**, categorically held that the revenue authorities are not entitled to decide the question of title. The relevant observation reads as follows:

“15. Following the said judgment, one of us (D.Murugesan, J.) in Chockkappan's case has held that the Revenue Divisional Officer has no jurisdiction to go into the disputed questions of title at the time when an application for cancellation of patta is being considered. As far as this law is concerned, there cannot be a second opinion as to the limited jurisdiction of the Revenue Divisional Officer only to find out prima facie as to the title and when the title is in dispute and there are rival claimants, he should refer the parties to civil Court for adjudication and depending upon the decree that may be passed by the civil Court, relevant entries in the patta could be effected by the Revenue Divisional Officer.”

12. Therefore, it is clear that the authorities constituted under the Tamil Nadu Patta Pass Book Act, 1983 are not entitled to decide the question of title of the parties. When they come to a conclusion that



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there is a dispute with regard to the title, they should relegate the parties to work out their remedy before the civil Court and maintain *status quo* of the revenue records. In the case on hand, after relegating the parties to the civil Court, the third respondent committed an error in directing cancellation of revenue records that stood in the name of Karthikeyan and restoration of the patta in the name of Petchiammal, who sold the property to Karthikeyan by way of registered document. Probably, the third respondent would have been carried away by the judgment and decree passed by this Court in S.A.(MD)No.265 of 2014, wherein the suit filed by the above said Karthikeyan seeking cancellation of settlement deeds executed by 5th respondent was dismissed on technical ground that on the date of filing of the suit, he did not have *locus standi* to maintain the suit. A perusal of the judgment passed in the above second appeal would indicate that the above said Karthikeyan was non-suited only on technical ground that even before filing of the suit, he sold the property to the petitioner and her children. Therefore, on the date of filing of the suit he did not have *locus standi* to maintain the suit.

13. This Court in the above mentioned Second Appeal has not negated the title of Karthikeyan over the subject property. This Court

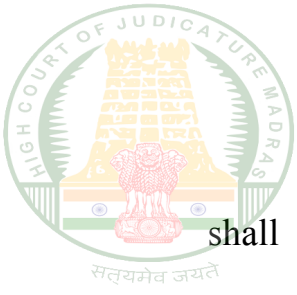


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only observed that Karthikeyan parted with title over the subject property, when he instituted the suit and therefore, he was not competent to maintain the suit. Therefore, the sale deed executed by Petchiammal in favour of Karthikeyan is intact. In these circumstances, the revenue authority having relegated the parties to work out their remedy in a civil suit, ought have maintained *status quo* of the revenue records. The further direction by the third respondent cancelling the patta issued in favour of Karthikeyan and restoration of patta in the name of original owner Petchiammal appears to be unwarranted. Therefore, the impugned order passed by the third respondent is set aside only to the extent of directing cancellation of patta issued in the name of Karthikeyan and restoration of patta in the name of Petchiammal.

14. In view of the above discussion, this Writ Petition is disposed of with a direction to the official respondents to maintain *status quo* of the revenue records as it stood prior to the impugned order, till the rights of the parties are decided by the civil Court. It is needless to say, after crystallisation of rights of parties in a civil Court, they are entitled to move the revenue authorities for modification of the revenue records as per the findings of the civil Court. It is also made clear that civil Court



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shall decide the rights of parties on it's own merits, without being influenced by anything observed in this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.07.2025

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Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

S.SOUNTHAR, J.

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To

1. The District Collector,
Madurai District, Madurai.
2. The District Revenue Officer,
Madurai District, Madurai.
3. The Revenue Divisional Officer,
Madurai District, Madurai.
4. The Tahsildhar,
Peraiyur Taluk,
Madurai District.

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