BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.06.**2025**

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.12930 of 2024
and
W.M.P(MD)Nos.11484 and 20472 of 2024

Rajkumar ... Petitioner

.Vs.

1.The District Revenue Officer,
Sivagngai District.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Devakottai,
Sivagangai District.

4.Kannathal

5.Arunadevi

6.Lakshmi

7.Ramjan Beevi

8.Sasikala

9.Arokyajayaram

10.Santhanam

11.Pandimeenal

12.Krishnan

13.Marimuthu

14.Jannath Beevi ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the first respondent, dated 21.3.2024 in Pa.Mu.P. 27-199-2022 and quash the same as illegal and consequently restore the patta in the name of the Petitioner.

For Petitioner : Mr.J.Anandkumar

For Respondents 1 to 3 : Mrs.K.Malathi Addl.Govt. Pleader

For Respondents 4,6 to 11, 13 and 14 : Mr.K.Kaleeswaran

ORDER

The Writ Petition is filed challenging the order passed by the first respondent directing both the contesting parties to work out their remedy before the pending suit in O.S.No.77 of 2014 and further directing the maintenance of revenue records in the name of Muthuraman, vendor of the private respondents.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the Petitioner, the property situate in S.No. 35/1A with an extent of 1 acre and 52 cents originally belonged to one Karuppan @ Karuppaiah. After his death, the properties devolved to the Petitioner's father Vellaisamy. During UDR updation, the revenue records were wrongly entered in the name of one Muthuraman. Therefore the Petitioner moved the revenue authorities seeking cancellation of entries in the name of Muthuraman and the same was allowed and patta was restored in the name of Petitioner's father by the order passed by the first respondent. The private respondents, who are the purchasers of properties through Muthuraman, filed a Writ Petition before this Court challenging the proceedings of the first respondent in W.P((MD)No.2633 or 2023. The said Writ Petition was allowed on the ground that patta cancellation order was passed without hearing them. Therefore, the matter was remanded back to the file of the first respondent with a direction to hear both the parties and to pass fresh order in accordance with law. Thereafter, the impugned order was passed by the first respondent relegating the parties to work out their remedy in the title suit filed by the Petitioner in O.S.NO.77 of 2014. While relegating the parties to work out their remedy before the Civil Court, the first respondent directed that the revenue records shall stand in the name of Muthuraman, as per the UDR A Register. Aggrieved by the same, the Petitioner is before this Court by way of this Writ Petition.

4.The learned counsel for the Petitioner would submit that even as per the observation made by the first respondent, there is no evidence available on record to establish how Muthuraman, vendor of the private respondents had got right over the property. In the absence or any acceptable material to show that Muthuraman had right and title over the property, the first respondent ought not to have directed the maintenance of revenue records in his name.

5.Admittedly, the Petitioner and his siblings instituted a suit for declaration of title and recovery of possession against the private respondents on the file of District Munsif Court, Devakkottai. The Petitioner also sought for declaration that the sale deeds in favour of private respondents were null and void. Therefore, there is a cloud over the title of the Petitioner and hence, he was constrained to approach the Civil Court seeking declaration of title. Earlier, the first respondent passed an order cancelling the patta issued in the name of private respodnents.The said order was challenged by the private respodnents before this Court in WP(MD)No.2633 of 2023 and batch of Writ Petitions. The said Writ Petitions were allowed and the patta that stood in the name of private respondents got restored. Thereafter, the first respondent had taken up the matter afresh and passed the impugned order relegating the parties to work out their remedy before the Civil Court. As per the order passed in the Writ Petition in W.P(MD)No.2633 of 2023, patta transfer order in favour of private respondents got restored. Now in view of the pendency of the civil suit, the first respondent directed that the revenue records shall be maintained in the name of private respondents vendor Muthuraman, as recorded in UDR A Register. When the Petitioner himself has got doubt over his title and filed a civil suit for declaration, it is for him to establish his title before the Civil Court and then seek mutation of revenue records in his name. Therefore this Court is not inclined to accept the arguments of the learned counsel for the petitioner.

6.Accordingly, the Writ Petition stands dismissed with liberty to the Petitioner to move the revenue authorities after the disposal of the suit in O.S.NO.77 of 2014. Till the disposal of the suit by the Civil Court, the revenue records shall be maintained as ordered by the District Revenue Officer and there shall not be any further mutation of revenue records. No costs. Consequently, connected Miscellaneous petitions are closed.

26.06.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

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S.SOUNTHAR.,J.

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