



W.P.(MD) No.16119 of 2025

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

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DATED: 26.08.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD)No.16119 of 2025

P.Selvakumar

... Petitioner

Vs

1. The Commissioner of Land Administration,
Chepauk,
Chennai-600 005.

2. The District Collector,
Tiruchirappalli District.

3. The District Revenue Officer,
Tiruchirappalli District.

4. The Revenue Divisional Officer,
Taluk, Tiruchirappalli District.

5. The Tahsildar, Manachanallur,
Tiruchirappalli District.

6. The Revenue Inspector, Manachanallur,
Tiruchirappalli District.

7. The Village Administrative Officer,
Kalpalayam Village,
Tiruchirappalli District.

8. S.Padma

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the Impugned order passed by the 3rd respondent by his proceedings in Na.Ka.A5/7788/2018 dated 24.06.2024 and quash the same as illegal and arbitrary and consequently direct the respondents to mutate the Patta in the name of the petitioner with respect to the property bearing S.No.219/13 in upper portion an extent of 82 cents of the land situated at Kalpalayam Village, Manachanallur Taluk, Tiruchirappalli District, based on the released deed vide D.No.2061/2014 dated 19.05.2014, as per the time stipulated by this Court.

For Petitioners : Mr.K.Mahendran

For Respondents : Mrs.K.Malathi,
Addl. Govt. Pleader for R1 to R7

Mr.S.M.Mohan Gandhi for R8

ORDER

This Writ Petition is filed challenging the order passed by the third respondent confirming the order passed by the 5th respondent granting patta to the subject property situated in S.No.219/13 in Kalpalayam Village, Manachanallur Taluk, Tiruchirappalli District.



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2. Heard the arguments of Mr.K.Mahendran, learned counsel for the petitioner, Mrs.K.Malathi, learned Additional Government Pleader appearing for the respondents 1 to 7 and Mr.S.M.Mohan Gandhi, learned counsel appearing for the 8th respondent.

3. According to the petitioner, the total extent of the land situated in S.No.219/13 is 1 acre 64 cents. The same was originally belonged to petitioner's predecessor Thiruvankita Konar. After the death of said Thiruvankita Konar, the property was enjoyed by his son Karuppakonar, the petitioner's grandfather. He executed a Will on 19.05.1938, whereunder, the eastern half of 89 cents in the said survey number was given to his daughter Karuppayee Ammal. The western half in the said survey number was given to Pitchayee Ammal, another daughter of Karuppakonar. The 8th respondent purchased 82 cents allotted to Karuppayee Ammal under a sale deed dated 21.10.1992. However, in the description of property executed by Karuppakonar and others, the eastern half belonged to them was described as western half. As far as the western half allotted to the share of Pitchayee Ammal is concerned, she executed a Will on 18.06.1990 bequeathing the western half in favour of Ayilambal, the mother of the petitioner. Thereafter, the petitioner's father



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Panchakonar executed a general power of attorney in favour of 8th respondent's husband Sivaprakasham empowering him to deal with the property. As per the recitals found in the general power of attorney, the petitioner's father Panchakonar claims right over the western half of the property situated in S.No.219/13, only in his capacity as legal heir of Ayilambal.

4. It is not in dispute that Ayilambal got a son viz., the petitioner. Therefore, petitioner's father Panchakonar at the most can have only 50% share in the western half allotted to Pitchayeeammal. The 8th respondent purchased the half portion allotted to Pitchayeeammal from the said Panchakonar represented by his power agent Sivaprakasham viz., her husband. Even in the recitals found in the general power of attorney executed by Panchakonar, it is clear that he can only half share in the subject property and the remaining half share should go to the son of Ayilambal, viz., the petitioner. Therefore, the 8th respondent cannot claim absolute title over the subject property and the sale deed executed by Panchakonar represented by his power agent, at the most can give title to the 8th respondent only to the extent of share of Panchakonar and the same will not bind the share of the petitioner. Therefore, the 3rd



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respondent, without considering the effect of general power of attorney executed by petitioner's father Panchakonar and the subsequent sale deed executed in favour of 8th respondent, erroneously came to the conclusion that the petitioner's claim for inclusion of his name in the revenue records could not be considered. At least, as one of the sharer of the subject property, the petitioner is entitled to get his name included in the revenue records along with the name of the 8th respondent as a co-owner.

5. Therefore, the impugned order passed by the third respondent is set aside and the Writ Petition stands allowed. The matter is remanded back to the file of the third respondent with a direction to consider the documents produced by the parties, especially the general power of attorney executed by Panchakonar in favour of Sivaprakasam and the subsequent sale deed executed in favour of 8th respondent and pass final orders on its own merits, after affording reasonable opportunity to the petitioner and the 8th respondent.

6. It is made clear that any observations made in this order is only *prima facie* conclusion of this Court on the effect of recitals found in the documents produced by the respective parties. Dehors the observations



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made by this Court, the parties are at liberty to move the civil Court and establish their right over the subject property. If any such suit is filed by any of the parties to this Writ Petition, the same shall be considered on its own merits, without being influenced by any observations made by this Court on the effect of the recitals found in the document.

7. With these observations, this Writ Petition stands allowed as indicated above. There shall be no order as to costs.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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To

1. The District Collector,
Office of District Collector,
Madurai.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Madurai.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madurai.
4. The Tahsildar,
Madurai South Taluk,
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