



W.A(MD)No.1758 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.07.2025

CORAM

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

W.A(MD)No.1758 of 2025

Dhanaraj

... Appellant /
6th Respondent

Vs.

1.Sugumaran

... 1st Respondent /
Writ Petitioner

2.The District Revenue Officer,
District Revenue Office,
Karur.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Kuluthalai,
Karur.

4.The Tahsildar,
Office of the Tahsildar,
Krishnarayapuram Taluk,
Karur.

5.The Zonal Deputy Tahsildar,
Krishnarayapuram Taluk,
Karur.



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6.The Village Administrative Officer,
Mayanur Village,
Krishnarayapuram Taluk,
Karur.

... Respondents 2 to 6 /
Respondents 1 to 5

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this Court in made in W.P(MD)No.27828 of 2024 dated 22.01.2025.

For Appellant : Mr.V.Kannan

For Respondents : Mr.I.Romeo Roy Alfred
for R.1

Mr.A.Kannan
Additional Government Pleader
for R.2 to R.6

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The sixth respondent in W.P(MD)No.27828 of 2024 has filed this Writ Appeal challenging the order dated 22.10.2025 made in W.P(MD)No.27828 of 2024. The said writ petition was filed by the first respondent, namely, Sukumaran. The parties are relatives. The subject matter pertains to Survey Nos.165/2X1A, 165/2X1B and 165/2X1C totally measuring 12.35 cents. The

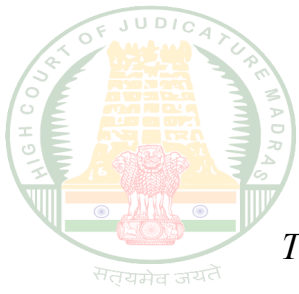
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case of the appellant is that the combined patta for these three survey numbers stood in the name of 4 sons of Karupannan and that therefore all the 4 branches will be entitled to equal share. This contention was accepted by the Revenue Divisional Officer, Kulithalai in his proceedings dated 30.10.2024. It was set aside by the learned single Judge vide order dated 22.01.2025 in the following terms:

“8.The facts are not disputed. Patta was originally granted in Patta No.654 for the property in S.No.165/2 to the legal heirs of Karupannan viz. Murugan, Ramasamy, Arumugam and Elangovan. After the family partition on 21.10.1999, the Petitioner applied for sub-division of S.No. 165/2X and the same was sub divided into S.Nos. 165/2X1A, 165/2X1B and 165/2X1C. Patta No.654 was granted for S.No. 165/2X1A.The Petitioner was also issued with patta in Patta No.708, for S.No.165/2X1B and patta No.723 for S.No. 165/2X1C. The Sixth respondent, who is the legal heir of Elangovan, one of the sons of Karupannan, sent representation to the third respondent on 1.6.2020, to include the names of the legal heirs of Elangovan in Patta No.654 after the demise of said Elangovan. The sixth respondent filed W.P(MD)No.14071 of 2020 directing the third respondent to conduct an enquiry and also filed W.P(MD)No.24173 of 2022 and W.P(MD)No.3117 of 2024 to include his name along with the names of his mother and sister in the joint patta No.654.



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This Court passed orders in the said writ petitions and in pursuance of the order passed in W.P(MD)No.3117 of 2024, dated 14.2.2024, the present impugned order was passed. To understand the nature of the enquiry conducted by the second respondent, the orders passed by this Court have to be examined. In W.P(MD)No.3117 of 2024, the prayer was for a writ of mandamus directing the second respondent to include the name of the sixth respondent in patta No.654 relating to S.No.165/2X1A, in Mayanur Village Group, Krishnarayapuram Taluk, Karur District. On the basis of the report of the third respondent, dated 9.10.2023, this Court without going into the merits of the matter vide order, dated 14.2.2024, directed the second respondent to conclude the enquiry and pass appropriate orders based on the report of the third respondent, dated 9.10.2023, on merits and in accordance with law within a period of sixteen weeks. The third respondent in his report, dated 9.10.2023 recommended that the sub-division made in S.No.165/2X be set aside and the original patta in Patta No.654 be restored and thereafter, the respective pattadhars may apply for sub-division. The second respondent, in pursuance of the report of the third respondent and the order passed by this Court on 14.2.2024, accepted the report of the third respondent and ultimately referred the parties to the Civil Court for settling the title dispute. In the said process, the second respondent restored the patta which originally stood in the name of the legal heirs of Karuppannan.

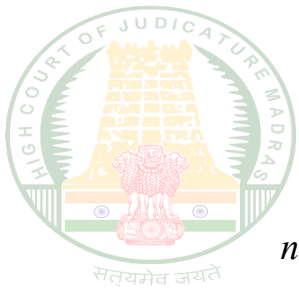


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9.It is seen that the sixth respondent approached this Court earlier for inclusion of his name in the patta issued to the Petitioner. Later, the names of the sixth respondent, his mother and sister were included in the patta. The Petitioner in his affidavit specifically contended that the order of the third respondent was passed behind his back, without notice to him and without giving an opportunity of hearing to explain his case. The Petitioner further contended that he came to know of the 3rd respondent's report dated 09.10.2023 only during proceedings of the 2nd respondent. According to the petitioner when the third respondent passed adverse remarks on the Petitioner's partition deed and recommended for cancellation of his patta and the sub-divisions, an opportunity of hearing ought to have been given to him. As no opportunity was given, the report of the third respondent ought not to have been relied on by the second respondent for passing the impugned order, as the 3rd respondents report dated 09.10.2023 was vitiated for gross violation of the principles of natural justice.

10.I find force in the petitioner's contention, from a reading of the report of the third respondent, dated 9.10.2023, it is clear that no notice of enquiry was issued to the petitioner and absolutely no opportunity was given to the Petitioner while recommending the cancellation of sub divisions and the pattas. As the 2nd respondent heavily relied on the 3rd respondent's report, which is found to be illegal for violation of principles of



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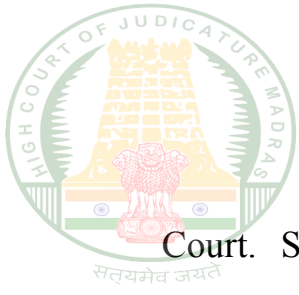
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natural justice, I am of the view that the impugned order cannot be sustained and deserves to be set aside.

11.Be that as it may, it is further seen that the second respondent had gone into disputed questions of facts on title and given certain findings which would affect the rights of the parties, in the event they approached the Civil Court. Moreover, the second respondent's findings of fact on the question of title, the cancellation of sub-divisions and the patta issued in favour of petitioner were beyond the scope of the enquiry which was restricted to inclusion of the sixth respondent's name. In view of the above discussions, I find that the impugned order cannot be sustained and hence, the same is set aside. It is made clear that if parties approach the Civil Court the impugned order of the 2nd respondent will be eschewed by the Civil Court."

3.The question that calls for consideration is whether this order of the learned single Judge deserves to be interfered with.

4.The learned counsel for the appellant is only able to show a rough patta and nothing else. On the other hand, the learned counsel for the writ petitioner has produced a typed set of papers indicating that his mother Chinnammal had purchased 10 cents of land vide a registered sale deed dated 27.03.1975. The writ petitioner has traced the title right up to the year 1927. That is why the learned single Judge felt that it is the appellant who should move the civil



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Court. Since the writ petitioner has produced a title document standing in the name of his mother, whereas the appellant is not able to do, we are not inclined to interfere with the order of the learned single Judge.

5.This Writ Appeal stands dismissed. There shall be no order as to costs.

[G.R.S., J.] [K.R.S., J.]
08.07.2025

NCC : Yes / No
Internet : Yes / No
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MGA

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