



W.P.(MD) No.16879 of 2025

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

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DATED: 25.06.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.16879 of 2025

and

W.M.P.(MD)No.12775 of 2025

Mariya Peter

... Petitioner

Vs

1. The District Collector,
Pudukkottai,
Pudukkottai District.
2. The Revenue Divisional Officer,
Illuppur,
Pudukkottai District.
3. The Thasildar,
Viralimalai,
Pudukkottai District.
4. A.Vellankanni

... 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 relating to the impugned order in Na.Ka.No.A6/2348/2024 passed by the 3rd respondent in his proceedings dated 11.04.2025 and quash the same as illegal and further directing the 3rd respondent to issue patta in favour of the petition herein.



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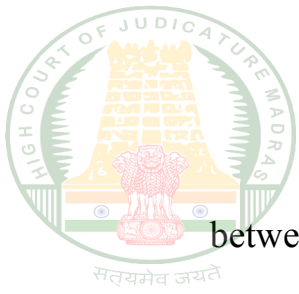
For Petitioner : Mr.N.Kamesh
For Respondents : Mr.A.Baskaran,
Addl. Govt. Pleader for R1 to R3

ORDER

This Writ Petition is filed challenging the order passed by the third respondent informing the petitioner that his application regarding correction of revenue records pertains to S.No.82/2 in Madhayannaipatti Village, Aavur Post, Kulathur Taluk, Pudukottai District would be considered subsequent to the disposal of the proceeding before the civil Court in E.P.No.22 of 2024.

2. Heard the arguments of Mr.N.Kamesh, learned counsel for the petitioner and Mr.A.Baskaran, learned Additional Government Pleader, who takes notice for the respondents 1 to 3. Since no adverse order is going to be passed against the 4th respondent, notice to him is dispensed with.

3. It is the case of the petitioner that the subject property with an extent of 89.5 ares in S.No.82/2 is his ancestral properties. The patta for the entire extent of property in S.No.82 originally stood in the name of petitioner's father Pichai @ Arokiyam Udayar. There was a dispute



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between the petitioner and the 4th respondent regarding enjoyment of the subject property. Hence, the petitioner filed a suit for bare injunction against 4th respondent in O.S.No.772 of 1992, on the file of the District Munsif Court, Pudukkottai. The said suit was decreed in favour of the petitioner. Since the decree for permanent injunction was violated by 4th respondent, the petitioner filed Execution Petition for arrest in E.P.No.22 of 2024 and the same is pending. In the meantime, the petitioner submitted an application before the 2nd respondent on 05.08.2024, seeking transfer of patta for the subject property from the name of 4th respondent to petitioner. The said representation has not been considered by the 2nd respondent till date. In the meantime, the third respondent passed the impugned order informing the petitioner that the request made by the petitioner regarding mutation of revenue records pertains to S.No. 82/2 will be considered only after disposal of E.P.No.22 of 2024. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel for the petitioner would submit that the petitioner filed an Execution Petition seeking arrest of the 4th respondent, who violated the civil Court decree. The said proceeding is nothing to do with the request made by the petitioner seeking transfer of patta. Therefore, the impugned communication of the third respondent is not



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sustainable in law.

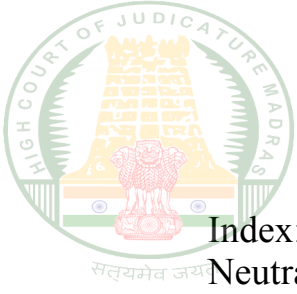
WEB COPY 5. E.P.No.22 of 2024 has been filed by the petitioner against the 4th respondent and others for alleged violation of the civil Court decree for permanent injunction. The petitioner sought for arrest of the judgment debtors. The issue involved in the Execution Petition is the alleged violation of the decree by judgment debtors. The same is nothing to do with the request made by the petitioner for mutation of revenue records. No title dispute is involved in execution proceedings. Therefore, the impugned communication passed by the third respondent that the request made by the petitioner will be considered only after disposal of E.P.No. 22 of 2024, cannot be sustained. Accordingly, the same is quashed. The second respondent is directed to consider the application submitted by the petitioner on 05.08.2024, seeking transfer of patta, on its own merits and pass final orders after affording reasonable opportunity to the petitioner, 4th respondent and other interested parties.

6. With these directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.06.2025

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Index: Yes/No

Neutral Citation: Yes/No

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S.SOUNTHAR, J.

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