



W.P.(MD) No.17049 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2025

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.17049 of 2022
and W.M.P.(MD) Nos.12443 & 29742 of 2022

1.N.Alagar Ramanujam
2.P.Kasthuri

... Petitioners

Vs

1. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
2. The Sub-Divisional Magistrate Cum
Revenue Divisional Officer,
Aruppukottai Taluk,
Virudhunagar.
3. The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
4. K.Alagiya Manavalan.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the issuance of impugned order of the 2nd respondent in Pha.Mu.Aa1/2522/2020 dated 17.12.2020 and the impugned order of the 1st respondent in Ni.Mu.Aa2/1412/2021 dated 28.06.2022 and quash the impugned orders.



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W.P.(MD) No.17049 of 2022

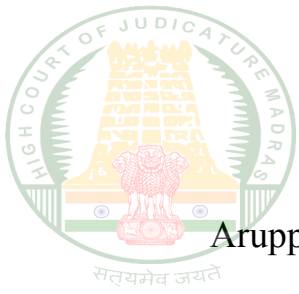
For Petitioners	: Mr.K.K.Udaya Kumar for Mr.H.Arumugam
For Respondents	: Mr.A.Baskaran, Addl. Govt. Pleader for R1 to R3 Mr.S.Selva Aditya for, Mr.G.Prabhu Rajadurai for R4

ORDER

This Writ Petition is filed challenging the order passed by the first respondent confirming the order of the second respondent cancelling the patta issued in the name of the first petitioner and restoring the same in the name of first petitioner's grandfather Kandasamy Naicker, S/o.Alagarsamy Naicker.

2. Heard the arguments of Mr.K.K.Udayakumar, learned counsel representing Mr.H.Arumugam, learned counsel for the petitioners, Mr.A.Baskaran, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.S.Selva Aditya, learned counsel representing Mr.G.Prabhu Rajadurai, learned counsel appearing for the fourth respondent.

3. According to the petitioners, the subject properties situated in S.Nos.141/4, 284/4, 355/5 and 57/1 in Periya Puliyampatti Village,



W.P.(MD) No.17049 of 2022

Aruppukkottai Taluk, Virudhunagar District, originally belonged to first

petitioner's grandfather and second petitioner's father-in-law viz., Kandasamy Naicker. During his life time, there was an oral partition in the family and subject properties were allotted to the first petitioner's father and second petitioner's husband Nammalvar. He executed a settlement deed on 21.08.2006, settling the subject properties in favour of first petitioner. Based on the said document, the properties were mutated in the name of first petitioner. After acquiring the knowledge about the same, the 4th respondent filed an application before the second respondent challenging the mutation of revenue records in the name of first petitioner. The second respondent, without considering the factum of oral partition raised by the petitioners, cancelled the patta issued in the name of first petitioner and directed restoration of patta in the name of the above said Kandasamy Naicker. Aggrieved by the said order, the petitioners preferred a revision before the first respondent and the same was dismissed and impugned order was passed confirming the order passed by the second respondent. Challenging the said order, the petitioners have come before this Court.

4. The learned counsel appearing for the petitioners would submit that in case of dispute as to the title, the revenue officials are not



W.P.(MD) No.17049 of 2022

competent to decide the said question. Therefore, the respondents 1 and 2 without cancelling the patta already issued in the name of first petitioner should have relegated the parties to the civil Court.

5. The learned counsel appearing for the contesting 4th respondent would submit that the first petitioner claims right under the settlement deed executed by his father and oral partition. The revenue officials are not entitled to decide the factum of oral partition which is denied by the fourth respondent.

6. From the facts narrated above, it is not in dispute that the subject properties originally belonged to paternal grandfather of the first petitioner and father-in-law of the second petitioner and father of the 4th respondent viz., Kandasamy Naicker. The first petitioner claims exclusive right over the subject properties only based on oral partition allegedly had taken place in the family and allotment of subject properties in favour of petitioner's father under the said oral partition. However, the 4th respondent is denying the factum of partition in the family. Therefore, according to the 4th respondent, he is entitled to share in the properties along with the petitioners. The revenue officials are not competent to decide the validity of oral partition. The petitioners are not



W.P.(MD) No.17049 of 2022

able to produce any document to substantiate their claim that the alleged oral partition was acted upon. If really, there was a oral partition and the subject properties were allotted to the share of Nammalvar, a mutation should have been taken place in the name of Nammalvar. Though time was given to produce the revenue documents in the name of first petitioner's father Nammalvar, so far no such document has been filed. Therefore, the respondents 1 and 2 rightly relegated the parties to work out their remedy before the civil Court and I find no error in the impugned order.

7. While relegating the parties to the civil Court, the respondents 1 and 2 cancelled the exclusive patta issued in favour of first petitioner and restored the patta that stood prior to the mutation in the name of Kandasamy Naicker. The learned counsel appearing for the petitioners would submit that instead of restoring the patta in the name of deceased person Kandasamy Naicker, the same may be registered in the names of all the legal heirs of Kandasamy Naicker pending decision by the competent civil Court. It is also stated that some of the legal heirs of Kandasamy Naicker are no more.

8. This Court also feels that it would be appropriate to keep the



W.P.(MD) No.17049 of 2022

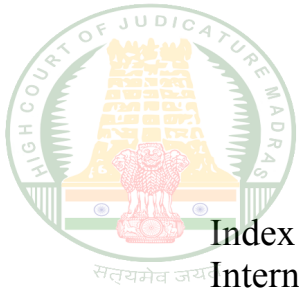
revenue document in the names of legal heirs of Kandasamy Naicker instead of keeping the same in the name of deceased person (i.e., Kandasamy Naicker). Hence, this Court directs the respondents 1 to 3 to register the revenue records in the names of legal heirs of Kandasamy Naicker. In case some of the legal heirs of Kandasamy Naicker are no more as on today, the respective legal heirs of deceased legal heirs can also be included in the revenue records. The registration of revenue records in the names of legal heirs of Kandasamy Naicker is subject to the decision of the civil Court in a properly instituted suit.

9. With these directions, this Writ Petition stands disposed of. The petitioners and the 4th respondent are at liberty to approach the third respondent with appropriate application seeking inclusion of legal heirs of Kandasamy Naicker. If any such application is filed by the parties, the third respondent shall consider it and make necessary changes in the revenue records within a period of six (6) weeks from the date of receipt of such application. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.07.2025

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6/8



W.P.(MD) No.17049 of 2022

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

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To

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Virudhunagar District,
Virudhunagar.
2. The Sub-Divisional Magistrate Cum
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W.P.(MD) No.17049 of 2022

S.SOUNTHAR, J.

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W.P (MD) No.17049 of 2022

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