



W.A.(MD) Nos.889 and 890 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	21.01.2025
Pronounced on	29.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.(MD) Nos.889 and 890 of 2022
and
C.M.P.(MD) Nos.7379 and 7380 of 2022**

W.A(MD)No.889 of 2022

S.Jeyalakshmi

... Appellant/4th Respondent

-vs-

1.S.Subramanian

2.S.Swaminathan

... Respondents/Petitioners

3.The Commissioner,
Tiruchirapalli Corporation,
Trichy.

4.The Joint Director/The Member Secretary,
Town and Country Planning,
Tiruchirapalli City,
Kajamalai,
Tiruchirapalli.

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5.The Assistant Commissioner,
K.Abieshakapuram Zone,
Tiruchirapalli City Municipal Corporation,
Tiruchirapalli

... Respondents 3 to 5/Respondents 1 to 3
in W.P(MD)No.10439 of 2021

W.A(MD)No.890 of 2022

S.Jeyalakshmi

... Appellant/5th Respondent

-VS-

1.S.Subramanian
2.S.Swaminathan

... Respondents/Petitioners

3.The Commissioner,
Trichy Corporation,
Trichy.

4.The District Revenue Officer,
Trichy.

5.The Tahsildar,
Trichy West Taluk,
Trichy.

6.The Deputy Inspector of Survey,
Trichy West Taluk,
Trichy.

... Respondents 3 to 6/Respondents 1 to 4
in W.P(MD)No.10508 of 2021



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Common Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the common order passed by this Court in W.P.(MD) Nos.10439 and 10508 of 2021, dated 20.06.2022, dismissing the findings or observations in 8th paragraph of the writ order.

For Appellant (in both appeals)
: Mr.S.K.Mani

For Respondents : Mr.H.Arumugam
(for R1 & R2 in both appeals)

Mr.Kishore Ram
for M/s.R.B. Law Associates
(for R3 & R5 in W.A(MD)No.889 of 2022 and
for R3 in W.A(MD)No.890 of 2022)

Mrs.D.Farjana Ghousia
Special Government Pleader
(for R4 in W.A(MD)No.889 of 2022 and
for R4 to R6 in W.A(MD)No.890 of 2022)

COMMON JUDGMENT

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

These writ appeals are filed to set aside the order of this Court, dated 20.06.2022 in W.P(MD)Nos.10439 and 10508 of 2021.



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2(a) The respondents 1 and 2/writ petitioners filed W.P(MD)No.10439 of 2021 to quash the order passed by the second respondent, dated 08.10.2020 and a consequential order of the third respondent, dated 11.12.2020 and further direct the respondents 2 and 3 to pass orders after providing an opportunity of hearing to the writ petitioners within the period that may be stipulated by this Court.

2(c) W.P(MD)No.10508 of 2021 was filed by the very same respondents 1 and 2/writ petitioners against the very same set of plea for the issuance of Writ of Certiorarified Mandamus relating to the order passed by the second respondent/District Revenue Officer, Trichy dated 30.05.2018 in which converting the ownership of the property shows the said Jeyalakshmi, the appellant herein, has been in possession of the petition premises.

3.By a common order dated 20.06.2022, the learned Single Judge of this Court has disposed of these writ petitions and vacated the finding of the third respondent, namely, the District revenue officer, regarding possession in favour of the appellant-Jeyalakshmi was vacated. Hence, the said Jeylakshmi has filed these writ appeals.



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4.The land in question was initially acquired for laying the road. It appears that the said writ petitions have been filed challenging the land acquisition proceedings. Subsequently, the said writ petitions were disposed of and the land acquisition proceedings were quashed and thereafter, they stood lapsed. In view of the land acquisition proceedings in the patta and chitta, namely, in the revenue records, initially, it was reclassified as a road. Hence, the said Jeylakshmi, the sister of the writ petitioners, filed a writ petition, and the same was allowed, and direction appears to have been passed, and whereby, the District Revenue Officer has passed the impugned order, whereby, he has classified the land as a vacant site instead of a road and issued a patta in favor of the private respondent, namely, the Jeyalakshmi and the said order was put to challenge in W.P.(MD) No. 10508 of 2021, whereby, the patta was issued in favor of the said Jeyalakshmi, the appellant herein. It remains to be stated that the said order was passed pursuant to the judicial order passed in W.P(MD)No.7181 of 2017 on 29.11.2017 at the instance of the said Jeylakshmi.

5.After hearing the rival submissions made by the learned counsel on either side, we find the impugned order before the writ Court that as per Rule 4(4) of the



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Tamil Nadu Patta Pass Book Rules, 1987, the authorities must have directed the concerned party to obtain a ruling on ownership from a competent civil Court. Therefore, the writ petitioners prayed for quashing of the impugned order of the Joint Director/Member Secretary of Town and Country Planning, Tiruchirapalli City, Kajamalai, Tiruchirapalli, filed W.P(MD)No.10439 of 2021.

6.The learned Special Government Pleader appearing on behalf of the Government officials would state that the order passed by the learned Single Judge does not require any interference.

7.Admittedly, there is a settlement deed executed by one Rajamani Ammal, the mother of parties herein, in favour of her two daughters, namely, Jeyalakshmi and Padmavathy, in the year 2007. It is also represented that the mother, Rajamani Ammal, is said to have filed O.S.No.1413 of 2017 to declare the settlement deed as null and void. On her death, the suit became abated and her sons, namely, the petitioners herein, appear to have filed necessary applications and restored the suit on file and the same is pending. These two settlement deeds are registered as Document Nos.1645 and 5026 of 2007. The suit was filed in the year 2017.



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8. On the above factual background, the Co-ordinate brother Justice, Mr.G.R.Swaminathan, has come to the conclusion that on the date of filing of the suit, the private respondent in the writ petitions (the appellant herein) has a registered document in her favour, executed as early as in the year 2007 in Document Nos.1645 and 5026 of 2007 and unless those documents are set aside, the question of title cannot be decided in the writ Court, till the jurisdictional civil Court set aside the same, the private respondent is entitled to place reliance on the registered documents executed in her favour by her mother. Therefore, on the point of title, has concurred with the settlement deed and at para 8 as observed as under:

“..8.I need to make one more clarification. There is a serious contest regarding possession. In the impugned orders, there are certain observations and findings in favour of Jeyalakshmi regarding possession. On the facts and circumstances of the case, it is only the jurisdictional civil Court that can render any finding. Therefore, findings regarding possession in favour of Jeyalakshmi stands vacated.”

9. Aggrieved against the said observations at para 8 as extracted *supra*, the writ appeals have been filed.



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WEB COPY 10. Heard the learned counsel on either and perused the materials available on record.

11. Once the title and patta have been upheld in favour of the appellant herein, the suit property, being a vacant site and the revenue records show that she is in possession of the immovable property, right from the date of the execution of the settlement deed and also the electricity connection, the operative portion of the order at para 8 extracted *supra* is to be vacated.

12. After perusing the two settlement deeds, dated 23.03.2007 and 24.09.2007 and the previous suit in O.S.No.213 of 2006 on the file of the learned II Subordinate Judge, Tiruchirapalli, dated 07.10.2010 and the present suit is said to be pending, as observed by the order of the learned Single Judge at para 9, namely, O.S.No.1413 of 2017, we find that the settlement deeds executed by the mother, Rajamani Ammal, in favour of the appellant herein and possession was handed over and the said Rajamani Ammal has not pleaded anywhere in the plaint that she was in possession of the suit property. Hence, we find that the findings at para Nos. 8 and 9 as extracted *supra* need to be interfered with.



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WEB COPY 13. Accordingly, the order of the learned Single Judge in upholding the title of the said Jeyalakshmi till the decision of the civil Court is hereby confirmed. However, the point of possession in favour of the said Jeyalakshmi by the revenue authorities, which was vacated at para, 8 is found to be inconsistent with the original case of the mother, who filed a suit herself, needs to be vacated.

14. Accordingly, the writ appeal is partly allowed to the limited extent of the finding regarding possession in favour of the said Jeyalakshmi alone, is hereby set aside. Other directions issued by the learned Single Judge are kept intact. No costs. Consequently, connected miscellaneous petitions are closed.

[T.K.R., J.] [N.S., J.]
29.01.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

1. The Joint Director/The Member Secretary,
Town and Country Planning,
Tiruchirapalli City,
Kajamalai,
Tiruchirapalli.



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RMT.TEEKAA RAMAN, J.
AND
N.SENTHILKUMAR, J.

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- 2.The District Revenue Officer,
Trichy.
- 3.The Tahsildar,
Trichy West Taluk,
Trichy.
- 4.The Deputy Inspector of Survey,
Trichy West Taluk,
Trichy.
- 5.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

Pre-Delivery Judgment Made In
W.A.(MD) Nos.889 and 890 of 2022
and
C.M.P.(MD) Nos.7379 and 7380 of 2022

29.01.2025