



W.P.(MD) No.18942 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD)No.18942 of 2025

and

W.M.P(MD)No.14507 of 2025

M.Senthilkumar

... Petitioner

Vs.

1.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

2.K.Arumugapillai

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records of the impugned Patta in Patta No. 4632 on the file of the first respondent.

For Petitioner : M/s.K.Shawathini
for K.Vinoharan

For R1 : Mr.A.Baskaran
Additional Government Pleader



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ORDER

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The Writ Petition is filed, challenging the patta issued by the first respondent in favour of the second respondent, mainly on the ground that the impugned patta was issued without affording reasonable opportunity to the petitioner.

2. It is the case of the petitioner that the subject property was purchased by him under registered sale deed dated 18.12.2018 from the second respondent. Subsequently, patta was mutated in favour of the petitioner in patta No.1636. Thereafter, the second respondent instituted a suit in O.S.No.27 of 2019 seeking declaration of his title and for other consequential reliefs. The second respondent also sought for a declaration that the sale deed executed by him in favour of the petitioner was null and void. The said suit came to be decreed *ex-parte* on 13.09.2024. On the strength of the *ex parte* decree, the second respondent moved the first respondent and got the revenue records mutated in his favour. Aggrieved by the same, the petitioner has come before this Court.



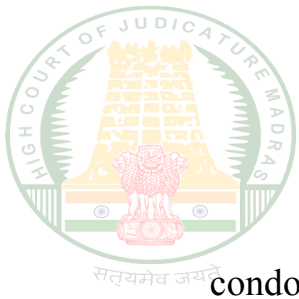
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3. Learned counsel for the petitioner would submit that the mutation of revenue records in favour of the second respondent was made without putting the petitioner on notice. Therefore, the impugned order is liable to be set aside on the principles of violation of natural justice.

4. The person raising plea of violation of natural justice must show prejudice. In the case on hand, admittedly, the *ex parte* decree obtained by the second respondent against the petitioner is operating. The title deed of the petitioner was declared as null and void by the civil court. Further, the title of the second despondent was also declared. In this circumstances, the petitioner has no defence against the request of the second respondent to mutate revenue records in his favour. Even assuming that notice was issued to the petitioner, he may not be in a position to raise any material plea.

5. The learned counsel for the petitioner submits that he already moved an application to set aside the *ex parte* decree with petition to



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condone delay in filing such application in I.A.No.11 of 2025 and the same is pending.

6. In view of the same, the writ petition is disposed of with an observation that the petitioner is entitled to move the first respondent seeking restoration of patta in his favour, in case, the *ex parte* decree is set aside in favour of the petitioner.

7. With the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

14.07.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

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To
The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.



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S. SOUNTHAR, J.

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