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W.P.(MD)NO.18072 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P.(MD)No.18072 of 2015 &
M.P.(MD)Nos.1 & 2 of 2015 &
W.M.P.(MD)No.21407 of 2018**

K.Mariyappan

... Petitioner

Vs.

1. The District Collector,
Collectorate, Karur.
2. The Revenue Divisional Officer,
Karur.
3. The Tahsildar,
Karur.
4. The Village Administrative Officer,
L.M.Samuthiram Village,
Karur Taluk,
Karur District.
5. Bharathi
6. Rajiv

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order issued by the third respondent dated 07.09.2015 vide reference No.Nee.Mu RTR/2135/15 and quash the same.



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W.P.(MD)NO.18072 OF 2015

For Petitioner : Mr.P.Thiagarajan
For R-1 to R-4 : Mr.K.S.Selvaganesan,
Additional Government Pleader.
For R-5 & R-6 : Mr.K.Govindarajan

* * *

ORDER

The writ petitioner challenges the mutation of revenue records made in respect of the petition-mentioned property by including the names of respondents 5 and 6.

2. The petition-mentioned property is a joint family property which belonged to one Kathan. The said Kathan was blessed with two sons and three daughters. The writ petitioner and his brother Balakrishnan were his sons. Balakrishnan got married to one Vanji Ammal on 11.12.1970. The marriage was dissolved on 21.09.2001. Thereafter, one Pappathi who is none other than the mother of respondents 5 and 6 herein applied for issuance of legal heir certificate. She also filed O.S.No.154 of 2013 before the District Munsif, Karur seeking declaration that she and her children are the



legal heirs of the deceased Balakrishnan. The suit was later dismissed as not pressed, after the petitioner herein entered appearance in the suit. It appears that the marital status of Pappathi is under some cloud. Therefore, respondents 5 and 6 herein applied independently for issuance of legal heir certificate for declaring them as the legal heirs of the deceased Balakrishnan. The Tahsildar, Karur relegated the respondents 5 and 6 to go before the civil Court. Questioning the same, the fifth respondent filed an appeal before the Revenue Divisional Officer, Karur who directed issuance of legal heir certificate as sought for. It was questioned by the petitioner herein in W.P.(MD)No.15209 of 2015. When the writ petition was taken up for hearing, it was submitted that subsequent to the passing of the order by the Revenue Divisional Officer dated 06.11.2014, another order was passed by the Tahsildar, Karur on 06.06.2015 based on the earlier direction given by this Court in W.P.(MD)No.5227 of 2015 dated 09.04.2015. In view of the same, W.P.(MD)No.15209 of 2015 was closed granting liberty to the petitioner to challenge the subsequent order dated 06.06.2015.

3. In my respectful view, W.P.(MD)No.15209 of 2015 could



not have been closed for the simple reason that the order impugned in that writ petition was passed by the Revenue Divisional Officer, Karur whereas the order dated 06.06.2015 was issued by the Tahsildar, Karur. In any event, the subsequent order was not prejudicial to the writ petitioner and therefore, he rightly did not challenge the same. The writ petitioner should have filed an appeal against the order dated 22.11.2017 made in W.P.(MD)No.15209 of 2015. Be that as it may, based on the legal heir certificate directed to be issued by the Revenue Divisional Officer, Karur, in the revenue record in respect of the petition-mentioned property, the names of respondents 5 and 6 were included as joint pattadars.

4. Challenging the same, this writ petition came to be filed.

5. An interim order of status quo was granted on 08.10.2015 in the writ petition.

6. While so, on 22.01.2018, the respondents 5 and 6 herein had alienated their undivided share in the petition-mentioned property. That led to the filing of Cont.P.(MD)No.72 of 2019.



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7. One Chandrasekar is the subsequent purchaser. He has not been impleaded as party either in the contempt petition or in this writ petition.

8. Be that as it may, what was purchased by the said Chandrasekar was only an undivided share in the petition-mentioned properties. He has to necessarily file a partition suit to enforce his right in the property. It is stated that as on date, he is yet to file any partition suit. The prayer in O.S.No.332 of 2014 is only for permanent injunction restraining the authorities from issuing legal heir certificate. The petitioner has to necessarily amend the suit prayer properly. The petitioner's counsel states that the petitioner would file amendment petition in O.S.No.332 of 2014 questioning the status of defendants 1 and 2 (respondents 5 and 6). As and when such an application is filed, the same shall be allowed by the trial Court as expeditiously as possible. Since breach of the status quo order granted in W.P.(MD)No.18072 of 2015 would result in invalidating the alienation, interest of justice will be better served by restraining the revenue authorities from making any further mutation. Till the



civil Court decides the issue, no further mutation in the revenue

record will take place. In O.S.No.332 of 2014, the petitioner shall seek

declaratory relief and the jurisdictional civil Court shall make pronouncement regarding the status of defendants 1 and 2 therein.

The civil Court will decide the issue independently based on the evidence adduced before it. The order dated 06.11.2014 issued by the Revenue Divisional Officer shall not be taken note of by the civil Court. It is stated that O.S.No.332 of 2014 has been transferred to the Principal District Judge, Karur and it appears to have been clubbed along with the other suits. The learned Principal District Judge, Karur shall endeavour to dispose of all the suits as expeditiously as possible. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.09.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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Note : Issue order copy on 03.09.2025.



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To:

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Collectorate, Karur.
2. The Revenue Divisional Officer,
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3. The Tahsildar,
Karur.
4. The Village Administrative Officer,
L.M.Samuthiram Village,
Karur Taluk,
Karur District.



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G.R.SWAMINATHAN,J.

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