



W.P.(MD).No.21815 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P(MD)No.21815 of 2025

and

W.M.P.(MD) No.16882 of 2025

J.Sudha

... Petitioner

Vs.

1. The District Collector,
Collectorate Campus,
Nagercoil,
Kanyakumari District.
2. The Revenue Divisional Officer,
Padmanabapuram,
Kanyakumari District.
3. The Tahsildar,
Killiyoor Town Panchayat,
Nagercoil, Kanyakumari District.
4. The Commissioner,
Killiyoor Panchayat Union,
Tholaiyavattam Post,
Kanyakumari District.
5. Killiyoor Town Panchayat,
Represented by the Executive Officer,
Tholaiyavattam Post,
Kanyakumari District.

... Respondents



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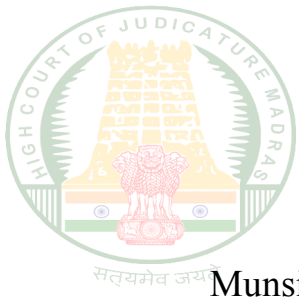
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in अ5/4300/2024, dated 14.07.2025 passed by the third respondent and quash the same as arbitrary without jurisdiction and consequently direct the respondents 2 and 3 to issue patta for 16 cents in R.S.No.198/3, Killiyoor ஆ Village, Killiyoor Taluk, Kanyakumari District, as per the judgment passed in S.A.(MD) No.90 of 2016, dated 01.07.2019 Madurai Bench of Madras High Court.

For Petitioner : Mr.M.S.Suresh Kumar
For R1 to R3 : Mr.A.Baskaran
Additional Government Pleader
For R4 and R5 : Mr.D.Sasi Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent rejecting the request of the petitioner to issue patta in respect of the land situated in R.S.No.198/3, Killiyoor ஆ Village, Killiyoor Taluk, Kanyakumari District, which has been wrongly classified as Government Poramboke pathway.

2. According to the petitioner, she along with her father and mother filed a suit in O.S.No.204 of 2004 on the file of the I Additional District

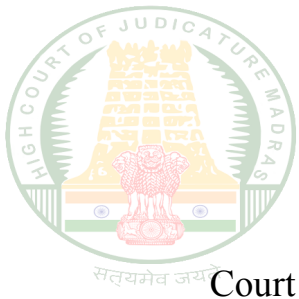


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Munsif Court, Kuzhithurai, seeking declaration of title and for consequential relief of injunction, and also recovery of possession in respect of 16 cents of land comprised in old S.Nos.405/B and 406 corresponding to Re-Survey No. 198/3 in the above mentioned Village. The said suit was filed as against the respondents 1, 4 and 5. The petitioner has sought declaration and to entire extent of 16 cents in R.S.No.198/3 and she also sought consequential relief of injunction in respect of 13 cents on the northern side and recovery of possession in respect of 3 cents on the southern side. The above said suit was decreed by the trial Court as prayed for, thereby declaring the title of the petitioner over the subject property and granting consequential relief as prayed for.

3. Aggrieved by the decree granted in favour of the petitioner, the fifth respondent preferred an appeal in A.S.No.19 of 2011 on the file of the Subordinate Court, Kuzhithurai, which was dismissed on 25.04.2012. Further, the second appeal filed by the fifth respondent in S.A.(MD) No.90 of 2016 was also dismissed by confirming the concurrent findings of the trial Court and the first appellate Court. Therefore, the title of the petitioner in respect of the entire extent of 16 cents in subject survey number as declared by the trial



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Court and confirmed by the First Appellate Court had become final with the dismissal of Second Appeal by this Court. Based on the said findings, the petitioner submitted an application before the official respondents seeking issuance of patta. Since her representation was not considered, the petitioner filed a writ petition in W.P(MD) No.3822 of 2025 seeking a direction to the respondents to issue patta based on the judgment of this Court in S.A.(MD) No.90 of 2016, dated 01.07.2019. The said Writ Petition was disposed of by this Court whereby this Court had directed the respondents 2 and 3 to consider the request of the petitioner for issuance of patta in the light of the civil Court findings and pass necessary orders. Pursuant to the directions of this Court, the impugned order has been passed by the third respondent, rejecting the request of the writ petitioner.

4. The learned counsel appearing for the petitioner would submit that the trial court's findings were confirmed in an appeal filed by the official respondents. Therefore, the impugned order passed by the third respondent is against the civil Court decree in O.S.No.204 of 2004 which was confirmed by this Court.



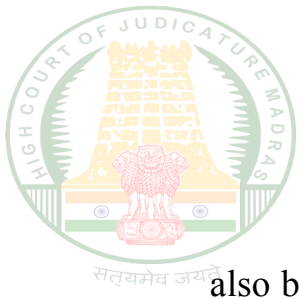
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5. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the subject property, as on today, classified as Government Poramboke pathway in the revenue records and based on the same, now third parties filed writ petitions before this Court in W.P(MD) No.15902 of 2025 and W.P(MD) No.21964 of 2019 seeking removal of the petitioner from the subject property and the same is pending. In view of the pendency of the Writ Petitions before this Court, the third respondent has rejected the request of the petitioner for issuance of patta.

6. The learned Additional Government Pleader would further submit that as against the impugned order passed by the third respondent, the petitioner has got an alternative remedy of appeal before the second respondent and therefore the present Writ Petition is not maintainable.

7. From the averments made in the affidavit filed in support of the present writ petition and the documents filed along with writ petition in the typed set of papers, it is clear that the title regarding 16 cents of land comprised in the subject survey No has been declared by the civil Court in favour of the petitioner which was confirmed by the First Appellate Court and



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also by this Court in S.A.(MD)No.90 of 2016. The respondents 1, 4 and 5 are party to the civil court proceedings and the respondents 2 and 3 are subordinate officers of the first respondent. Therefore, the civil Court decree declaring the title of the petitioner is binding on the official respondents and as such, they cannot refuse the request of the petitioner for issuance of patta without any valid reasons. The only reason assigned by the third respondent in the impugned order was the pendency of writ petition filed by some third parties seeking removal of petitioner from the subject property. It is not a case of the respondents that this Court has granted any interim order against the petitioner in the pending writ petition.

8. In such circumstances, it is the duty of the revenue officials, to bring to the notice of the writ Court that the title of the petitioner had already been declared by the Civil Court and the same had attained finality. Therefore, the reason assigned in the impugned order that due to the pendency of the writ petition filed by the third parties, patta in respect of the subject property cannot be issued in favour of the petitioner warrants interference. The impugned order passed by the third respondent is set aside and the respondents 2 and 3 are directed to issue patta in the name of the petitioner in



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the light of the findings in S.A(MD) No.90 of 2016. The above said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

9. Since the civil court has recorded findings in favour of the petitioner, which are binding on the official respondents as well, this Court is not inclined to accept the submission made by the learned Additional Government Pleader appearing for the respondents that the petitioner shall avail alternative remedy before the Appellate authority.

10. Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

25.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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S.SOUNTHAR, J.

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