



W.P(MD)Nos.22226 & 22624 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :31.10.2025

CORAM:

THE HONOURABLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)Nos.22226 & 22624 of 2025

and

W.M.P.(MD) Nos.17323 to 17325, 17737 & 17738 of 2025

Tamilarasan

... Petitioner in both W.Ps

Vs

1. The Revenue Divisional Officer,
Thiruparakundram Taluk,
Madurai District.

2. The Tahsildar,
Thiruparankundram Taluk,
Madurai District.

3. The Zonal Deputy Thasildhar,
Thiruparankundram Taluk,
Madurai District.

4. Jeya

5. Sivakumar

6. Senthilkumar

7. Muthulakshmi

8. Pandiammal

1/7



W.P(MD)Nos.22226 & 22624 of 2025

9. Boominathan

10. Lakshmi

11. Vignesh

12. Meenakshi

13. Boomadevi

... Respondents in both W.Ps

PRAYER IN BOTH W.Ps: 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 of the first respondent and third respondent dated 21.09.2024 and 20.12.2024, respectively, in proceedings Ne.Mu/A6/3532/2024/A4 and TRNo. 2024/0103/24/3650/43TR, respectively, and quash the same, as the same is arbitrary, ultravires, contrary, Audi Alteram Partem and revert back the Patta No.1568 in respect of the property comprised in S.No.3/1, an extent of 3 acres 76 cents, Thanakkankulam Village, Thiruparankundram Taluk, Madurai District to its earlier position.

For Petitioner : Mr. R.G.Shankar Ganesh
(in both W.Ps)

For Respondents : Mr.P.Thambidurai
(in both W.Ps) Government Advocate for R1 to R3
Mrs.B.Bhuvaneshwari
for Mr.A.Ganesan for R4 to R13

COMMON ORDER

In W.P.(MD) No.22624 of 2025, an order dated 21.09.2024 of



W.P(MD)Nos.22226 & 22624 of 2025

the Revenue Divisional Officer directing that the joint patta be issued in respect of land in survey No.3/1 is challenged on the ground that such order was issued without notice to the petitioner/pattadar. In W.P(MD) No.22226 of 2025, the consequential order of the Tahsildar is under challenge.

2. Learned counsel for the petitioner referred to the impugned order of the Revenue Divisional Officer and pointed out that a reference was made therein to a pending suit for partition (O.S.No.227 of 2023). Although the suit had not been decided as on the date of order, by taking such pending suit into account, he submits that the patta was directed to be mutated by including the names of the fourth respondent and two dead persons, namely, Papathi and Ammavasi ammal.

3. In response, learned counsel for the respondents 4 to 13 refers to the legal heirship certificate of Mokkalamy Devar and points out that he was the original owner of the above mentioned property. She submits that he had six class-I legal heirs and that all of them were entitled to an equal share in the property. Consequently, she submits that a suit for partition



W.P(MD)Nos.22226 & 22624 of 2025

was filed and in the said suit, a preliminary decree was issued on 29.11.2024. She submits that the subsequent order of the Tahsildar was issued after such preliminary decree had been issued.

4. Learned counsel for the petitioner clarifies that the preliminary decree was issued *ex parte* and that the petitioner has applied to set aside such decree. Further, learned counsel for the petitioner presses for an interim order restraining the private respondents from dealing with the property on the strength of the patta.

5. Learned counsel for the respondents 4 to 13 submits that the properties would not be dealt with by the respondents 4 to 13 until disposal of the remanded proceedings. The said statement is recorded.

6. On perusal of the impugned order of the Revenue Divisional Officer, the said order contains no indication at all that the petitioner, who was admittedly the sole pattadar, had not been put on notice and provided an opportunity to participate in the inquiry. On this ground, the impugned order of the Revenue Divisional Officer and the consequential



W.P(MD)Nos.22226 & 22624 of 2025

order of the Tahsildar are liable to be set aside. By taking into account the nature of such orders, i.e., the issuance of a joint patta in the names of all the legal heirs of the late Mokkasamy Devar, the revenue records as on date shall not be modified pending readjudication by the Revenue Divisional Officer. After providing a reasonable opportunity to the petitioner, the fourth respondent and any other surviving legal heirs of the late Mokkasamy Devar, a speaking order shall be issued within three (3) months from the date of receipt of a copy of this order.

7. These Writ Petitions are disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
apd

31.10.2025



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W.P(MD)Nos.22226 & 22624 of 2025

SENTHILKUMAR RAMAMOORTHY.,J.

apd

ORDER MADE IN

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