



W.P.(MD) No.22434 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.22434 of 2025

Karupasamy

... Petitioner

Vs.

1.The District Revenue Officer,
District Revenue Office,
Collectorate Building,
Pudukkottai District.

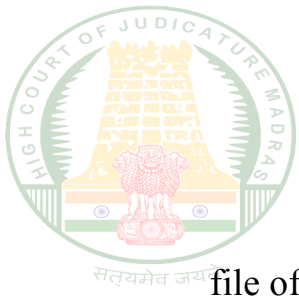
2.The Revenue Divisional Officer,
Collectorate Building,
Pudukkottai District.

3.The Tahsildar,
Taluk Office,
Alankudi Taluk,
Pudukkottai District.

4.Panneer Selvam

... 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 order in Na.Ka.D5/2777882/2024, dated 31.07.2025 on the



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file of the first respondent and quash the same.

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For Petitioner : Mr.R.Maheswaran

For R1 to R3 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

The writ petition is filed challenging the order passed by the first respondent, dismissing the application filed by the petitioner seeking stay of the order passed by the second respondent dated 15.11.2024.

2.The second respondent, by an order dated 15.11.2024, cancelled the patta for the subject property that stood in the name of the petitioner and restored the same in the name of Chithapalam Chettiar, based on the application filed by one Pannerselvam, S/o.Chithapalam Chettiar Aggrieved by the same, the petitioner preferred a revision before the first respondent. Pending the said revision, the petitioner sought for stay of the order passed by the Revenue Divisional Officer and the same was dismissed by the impugned order. Aggrieved by the same, the petitioner has come before this Court.



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3.It is seen from the affidavit and the documents filed in the typed set of papers that Chithapalam Chettiar died intestate and a suit for partition has been filed by his son, namely, Panneerselvam, seeking partition of the properties belong to Chithapalam Chettiar in O.S.No.146 of 2004, on the file of the Principal District Court, Pudukottai. In the said suit, a preliminary degree for the partition of 1/5th share was passed by the trial Court. Aggrieved by the same, the first defendant in the suit filed an appeal before this Court in A.S(MD)No.198 of 2008. The said appeal was partly allowed and the preliminary degree for partition passed by the trial Court was modified by granting 1/8th share in favour of said Panneerselvam. The petitioner purchased the subject property from one Vincent on 11.03.2015. The said Vincent said to have purchased the property from Senthil Kumar in the year 2004. The patta also mutated in favour of Vincent. Therefore, it is clear that the petitioner as well as his predecessor-in-interest, Vincent, purchased the property from one of the legal heirs of Chithapalam Chettiar, namely, Senthilkumar, when the partition suit was pending. In such circumstances, the sale in favour of petitioner is very well hit by the doctrine of lis pendens.



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4.Now, the Revenue Divisional Officer passed an order restoring the Patta in the name of Chithapalam Chettiar, taking into consideration the pendency of the civil suit for partition. The petitioner is only a *lis pendens* purchaser and whatever right acquired by him under the sale deed is subject to the result of the suit. In these circumstances, there is no justification in granting interim stay to protect the patta issued in his name, which has been cancelled by the Revenue Divisional Officer. Therefore, I do not find any error in the ultimate conclusion reached by the District Revenue Officer.

5.The learned counsel for the petitioner would submit that taking advantage of the impugned order passed by the Revenue Divisional Officer, the legal representatives of Chithapalam Chettiar are attempting to interfere with his possession. If the petitioner is in lawful possession of the property, it is always open to him to approach the Civil Court seeking protection of his alleged possession.



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6. With the above observations, this Writ Petition is dismissed.

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No costs. Consequently, connected miscellaneous petitions are closed.

18.08.2025

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

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