



W.P.(MD) No.22502 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.22502 of 2025

and

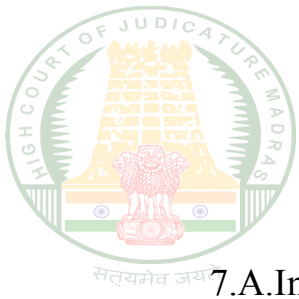
W.M.P(MD) Nos.17609, 17610 and 17611 of 2025

A.Sundara Arulraj

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
Thanjavur District,
Thanjavur.
- 3.The Revenue Divisional Officer,
Thanjavur District,
Thanjavur.
- 4.The Tahsildar,
Thanjavur Taluk,
Thanjavur District.
- 5.The Zonal Deputy Tahsildar,
Thanjavur Taluk,
Thanjavur District.
- 6.V.Anthoniammal



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7.A. Infant Marsiza

... Respondents

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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to impugned patta Transfer order made in T.R: 2025/N103/21/026716TR dated 20.07.2025 in Patta No.8731 issued by the fifth respondent and quash the same and consequently direct the respondent to issue patta in favour of the petitioner for the Natham land in Old Survey No.120/29, New Survey No.120/29D2 to an extent of 2840 sq.ft Madhakottai Village, Nanjikottai Circle, Thanjavur Taluk and District, based on the competent Civil Court orders within the stipulated time frame by this Court.

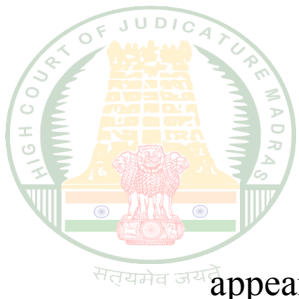
For Petitioner : Mr.Niranjan S.Kumar

For R1 to R5 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

The writ petition is filed challenging the order passed by the fifth respondent allowing the application filed by the seventh respondent seeking patta transfer.

2.Heard the arguments of Mr.Niranjan S.Kumar, learned counsel

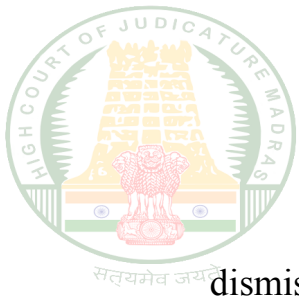


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appearing for the petitioner and Mr.D.S.Nedunchezian, learned Government Advocate appearing for the respondents. By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, the subject property was originally owned by one Vincent Chelladurai. The petitioner's mother, Arockiyamary, purchased the subject property on 14.10.1987 from said Vincent Chelladurai under an unregistered sale deed and based on the said unregistered document, the petitioner's mother and other family members have been in possession and enjoyment of the said property. The petitioner mother died in the year 2007. Thereafter, taking advantage of the unregistered sale deed in favour of the petitioner's mother, the sixth respondent, wife of the petitioner's brother, got a registered sale deed in her favour from the above mentioned Vincent Chelladurai and based on the said invalid sale deed, she approached the revenue authorities for patta transfer. The claim of the sixth respondent was rejected by the third respondent. The civil suit filed by the sixth respondent seeking recovery of possession from the petitioner was also



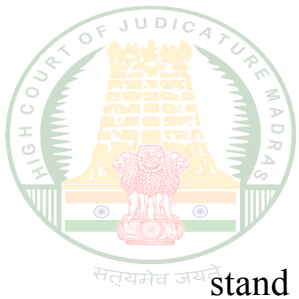
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dismissed and confirmed in appeal. Now, the sixth respondent, in order to grab the property, executed a settlement deed in favour of the seventh respondent on 07.07.2025 and based on the said settlement deed, the revenue documents were mutated in favour of the seventh respondent. Aggrieved by the said order, the petitioner has come before this Court.

4.The learned counsel for the petitioner submits that the fifth respondent, before passing the impugned order, failed to issue any notice to the petitioner and therefore, the impugned order is in violation of the principles of natural justice. He also submitted that the sixth respondent already filed a suit for recovery of possession against the petitioner and the same was dismissed and therefore, the impugned order passed by the fifth respondent is untenable in law.

5.A reading of the impugned order would indicate that the patta for the subject property stood in the name of the sixth respondent in Patta No.7461. Based on the application submitted by the seventh respondent, the fifth respondent passed the impugned order transferring the patta in favour of the seventh respondent. Since the revenue documents do not



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stand in the name of the petitioner, the fifth respondent, before passing the impugned order, did not issue any notice to the petitioner. Further, it is seen from the averments found in the writ affidavit, the petitioner claims that his mother purchased the property under an unregistered sale deed. In these circumstances, the contention raised by the learned counsel for the petitioner regarding the absence of notice before passing the impugned order is not appealable to this Court, as the petitioner failed to establish his semblance of right over the subject property by any legally acceptable documents. It is also clear that the revenue documents as on date of impugned order stood in the name of the sixth respondent and therefore, no notice is required to be issued to the petitioner before transferring the revenue records from the name of sixth respondent to seventh respondent.

6.The learned counsel for the petitioner vehemently contended that the suit for recovery of possession filed by the sixth respondent was already dismissed by the civil Court and hence, the revenue authority ought not to have passed the impugned order.



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7.A perusal of the judgment passed by the civil Court, which is included in the typed set of papers would indicate that the suit for recovery of possession simpliciter filed by the sixth respondent was dismissed on the ground that the suit for recovery of possession simpliciter could not be decreed in the absence of a prayer for declaration of title. There is no finding by the civil Court upholding the petitioner's title over the subject property. Merely because the suit for recovery of possession filed by the sixth respondent was dismissed by pointing out the absence of prayer for declaration of title, the petitioner cannot take advantage of the same and claim that the title vest with him. In any event, the Revenue Authorities are not entitled to decide the dispute regarding title to the property.

8.In the case on hand, as seen from the impugned order, the patta earlier stood in the name of the sixth respondent and now, based on the settlement deed executed by the sixth respondent, the same has been transferred in favour of the seventh respondent. The patta transfer order will not affect the rights of the petitioner, if any. It is always open to the petitioner to establish his right before the civil Court.



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9. In view of the above observations, this Court is not inclined to interfere with the order passed by the fifth respondent transferring the patta in the name of the seventh respondent. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

19.08.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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S.SOUNTHAR,J

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