



W.P.(MD) No.11340 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.11340 of 2016

and

W.M.P(MD) Nos.8696 and 8697 of 2016

Santhanam

... Petitioner

Vs.

1.The District Revenue Officer,
Collectorate,
Madurai District.

2.The Tahsildar,
Madurai Taluk,
Madurai.

3.Rajammal (died)

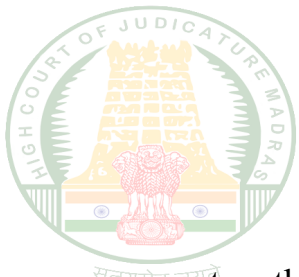
4.M.Karnan

5.M.Chandra

... Respondents

(R4 and R5 are impleaded vide Court order
dated 04.04.2025 in WMP(MD) No.11340 of 2016)

Prayer :- Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorari, calling for the records relating



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to the impugned order of the first respondent in Ni.Mu.No.
23254/2015/G.5, dated 09.05.2016 and quash the same.

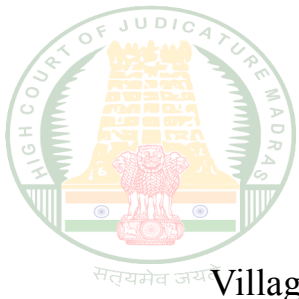
For Petitioner : M/s.J.Padhmavathi Devi
For R1 & R2 : Mrs.S.Jeya Priya
Government Advocate
For R4 & R5 : Mr.R.Karunanithi

ORDER

The writ petition is filed challenging the order passed by the first respondent cancelling the patta issued in favour of the petitioner and restoration of revenue records in the name of one Suguru Thevar, as it stood prior to the UDR updation.

2.Heard the arguments of M/s.J.Padhmavathi Devi, learned counsel appearing for the petitioner, Mrs.S.Jeya Priya, learned Government Advocate appearing for the respondents 1 and 2 and Mr.R.Karunanithi, learned counsel appearing for the respondents 4 and 5.

3.It is the case of the petitioner that he is the absolute owner of the property situated in Survey No.30/4, measuring 69 cents, Vadivelkarai



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Village, Madurai South Taluk, Madurai, having purchased the same under two registered sale deeds, dated 24.02.1970 and 16.05.1973. After purchase, the revenue records were mutated and patta was issued in the name of the petitioner in Patta No.132. Subsequently, the third respondent attempted to interfere with the petitioner's peaceful possession over the subject property and hence, the petitioner filed a civil suit in OS No.129 of 2004, on the file of the District Munsif, Thirumangalam, for permanent injunction against the third respondent and another. The said suit was decreed in favour of the petitioner by granting a decree of permanent injunction. The third respondent has not challenged the said decree and hence, the civil Court findings had attained its finality. Thereafter, the third respondent submitted a representation before the first respondent seeking cancellation of the patta that stands in the name of the petitioner, on the ground that the petitioner's name was erroneously entered in the revenue records during UDR updation. The first respondent by impugned order allowed the application submitted by the third respondent and restored the revenue records in the name of Suguru Thevar, as it stood prior to the UDR updation. Aggrieved by the same, the petitioner has come before this



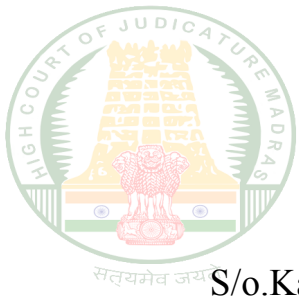
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Court.
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4.The learned counsel appearing for the petitioner would submit that based on the registered documents, the petitioner had purchased the property and got mutation of the revenue records in his favour. Thereafter, he also obtained a decree from civil Court against the third respondent. Ignoring all these aspects, the first respondent decided the question of title and committed an error by cancelling the patta issued in favour of the petitioner.

5.The learned counsel for the respondents 4 and 5 would submit that the petitioner filed the suit in O.S.No.129 of 2004 only for a bare injunction and it was not a suit for declaration of title and hence, the first respondent was justified in considering the request of the third respondent and cancelling the patta issued in the name of petitioner.

6.A perusal of the typed set of papers would indicate that the petitioner purchased the northern 23 cents in subject survey number under registered sale deed, dated 24.02.1970 from one Rajangam,



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S/o.Kaluvathevar and others. He purchased the remaining 46 cents on the southern side under registered sale deed, dated 15.05.1973 from Mokkasamy Thevar, S/o.Santhanam and others. It is the case of the petitioner that Suguru Thevar referred to in 1973 document is none other than the Suguru Thevar referred to in the revenue records prior to the UDR updation. On the other hand, it is submitted on behalf of the respondents 4 and 5 that the Suguru Thevar mentioned in the sale deed in the favour of the petitioner is some other person. From the impugned order and the documents filed in the typed set of papers, it is clear that there is a dispute with regard to the identity of a person whether Suguru Thevar referred to in the registered sale deed in favour of the petitioner is the one in whose name the revenue records stood prior to UDR updation.

7. Therefore, there is a title dispute between the petitioner and third respondent. In fact, the petitioner filed a civil suit for injunction against the third respondent and obtained the decree and the said decree has not been challenged in the manner known to law. Hence, the decree for permanent injunction obtained by the petitioner has attained its finality. In these circumstances, the first respondent is not justified in ignoring the



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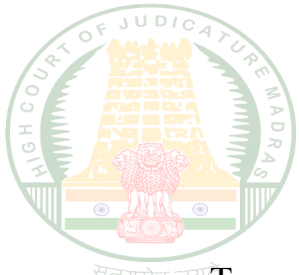
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civil Court's decree in favour of the petitioner and proceeded to decide the question of title. A Division Bench of this Court in ***Vishwas Footwear Company Ltd., Vs The District Collector, Kanchipuram and others***, reported in ***2011(5) CTC 94***, held that revenue authorities cannot go into the disputed question of title. In view of the dispute raised with regard to the title and identity of a person referred to in the sale deed, the first respondent ought to have relegated the parties to approach the civil Court to workout their remedy.

8. Accordingly, the impugned order passed by the first respondent in Ni.Mu.No.23254/G.5, dated 09.05.2016, is set aside, as he is not competent to decide the question of title and the Writ Petition stands allowed. The parties are relegated to the civil Court to establish their title in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

23.06.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No



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S.SOUNTHAR,J

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