

W.P.(MD) No.22611 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.22611 of 2023

and

W.M.P(MD)Nos.18849 & 18851 of 2023

1.B.Santha

2.Radha

... Petitioners

Vs.

1.The District Revenue Officer,
D.R. Office, Korampallam,
Thoothukudi.

2.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Kovilpatti, Thoothukudi District.

3.Seenivasan

4.A.Balaji

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent bearing Na.Ka.No.T6-30403-2021/2019, dated 01.07.2022 and the second respondent bearing Ni.Mu.A2/8797/2019,



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dated 23.09.2021 and quash the same and pass consequential orders or direction.

For Petitioner : Mr.S.Sivailayaraja

For Respondents : Mr.D.S.Nedunchezian,
Government Advocate, for R1 & r2.

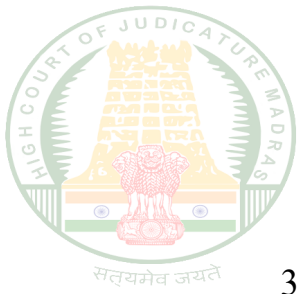
: Mr.J.Barathan, for R3.

: No Appearance for R4.

ORDER

The Writ Petition is filed challenging the order passed by the first respondent dismissing the application filed by the fourth respondent challenging the order of the second respondent mutating revenue records in the name of the third respondent's father Gopalsamy.

2. Heard the arguments of Mr.S.Sivailayaraja, learned counsel appearing for the petitioners and Mr.D.S.Nedunchezian, learned Government Advocate appearing for the respondents 1 and 2 and Mr.J.Barathan, learned counsel appearing for the third respondent.



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3. It is seen from the affidavit filed in support of the writ petition and the typed set of papers, the petitioners' grandfather Alagarsamy Naicker owned one acre 60 cents of land in Survey No.108/9 in Ayyaneri Village, having purchased the same under Registered Document, dated 18.10.1976. Subsequently, the said Alagarsamy Naicker sold 80 cents of land in the eastern side in favour of the third respondent's father Gopalsamy under registered sale deed, dated 21.07.1978. Based on the said registered document, the third respondent moved an application before the second respondent and got inclusion of Gopalsamy's name in the revenue records. Aggrieved by the same, the fourth respondent preferred the revision before the first respondent and the same was dismissed. Hence, this Writ Petition.

4. It is vehemently contented by the learned counsel for the petitioners that though Gopalsamy said to have purchased 80 cents of land in the subject property in the year 1978, no mutation had taken place immediately and application for inclusion of Gopalsamy's name had been made only after 36 years. It is also stated that the third respondent or his father never exercised any right or possession over the subject property and hence, the impugned order passed by the first respondent confirming the order passed



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by second respondent including the name of Gopalsamy in the revenue records is untenable.

5. Merely because the purchaser failed to move the revenue authorities for mutation of revenue records for 36 years, the right acquired by them under registered document will not get defeated so long as the sale deed executed by Alagarsamy Naickar in favour of Gopalsami Nayakar is not challenged in the manner known to law. The petitioner is not entitled to oppose inclusion of Gopalsamy Naickar in the revenue records on the ground that the mutation had not taken place immediately after sale.

6. Therefore, I do not find any force in the argument made by the learned counsel for the petitioners and accordingly, the Writ Petition stands dismissed.

7. However, it is made clear that dismissal of the writ petition will not come in the way of petitioners working out their remedy before the civil Court subject to law of limitation. In case, the petitioners choose to institute any suit along with application under Section 14 of Limitation Act, seeking



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exclusion of time taken by them before this Court in prosecuting this writ petition, the same shall be considered by the Civil Court in accordance with law. Consequently, connected Miscellaneous are closed. No costs.

09.07.2025

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

To

- 1.The District Revenue Officer,
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Thoothukudi.
- 2.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Kovilpatti, Thoothukudi District.



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S.SOUNTHAR,J.

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