



W.P.(MD)Nos.26584 and 24710 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)Nos.26584 and 24710 of 2024

and

W.M.P.(MD)Nos.22548, 21030 & 21031 of 2024

W.P.(MD)No.26584 of 2024

Maria Arockiya Raj

... Petitioner

/Vs./

1. The District Revenue Officer,
Trichy District

2. The Revenue Divisional Officer,
Trichy District

3. The Revenue Tahsildar
Tiruchirappali East,
Trichy District.

4. A. Augustine Albert

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned order passed by the 1st respondent in Na.Ka.Aa6/18201/2022 dated 13.09.2024 and quash the same and consequently directing the 1st respondent to grant patta in petitioner's favour.



W.P.(MD)Nos.26584 and 24710 of 2024

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For Petitioner : Mr.C.Vakeeswaran

For Respondents : Mrs.K.Malathi
Additional Government Pleader for R1-3

: Fr.S.Savarimuthu
for M/s. Father Xavier Associates for R4

W.P.(MD)No.24710 of 2024

S A. Augustine Albert

... Petitioner

/Vs./

1. The District Revenue Officer
The Office of the District Revenue Officer,
Tiruchirappalli District.
2. The Revenue District Officer,
The Office of the Revenue District Officer,
Tiruchirappalli District.
3. The Thasildar,
East Tiruchirappalli Taluk,
East Tiruchirappalli Taluk Office,
Tiruchirappalli District.

4. Maria Arockiaraj,

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 13.09.2024 in Na.Ka. AA6/18201/2022 on the file of the 1st Respondent and quash the same in respect of the petitioner directing the 1st respondent to issue patta in



W.P.(MD)Nos.26584 and 24710 of 2024

WEB COPY

the name of the petitioner and his relatives based on the documents and the reports of the 2nd and 3rd respondents dated 12.01.2018 and 18.08.2022.

For Petitioner : Fr.S.Savarimuthu
for M/s. Father Xavier Associates

For Respondents : Mrs.K.Malathi
Additional Government Pleader for R1-3
: Mr.C.Vakeeswaran for R4

COMMON ORDER

These Writ Petitions have been filed challenging the very same order of the first respondent in Na.Ka. AA6/18201/2022, dated 13.09.2024.

2. The petitioner in W.P.(MD)No.24710 of 2024 is aggrieved by the portion of the impugned order of the first respondent, directing the first respondent to approach the competent civil Court for effecting mutation of records in his name.



W.P.(MD)Nos.26584 and 24710 of 2024

WEB COPY

3. The petitioner in W.P.(MD)No.26584 of 2024 is aggrieved by the portion of the impugned order of the first respondent, removing the name of the petitioner's father, viz., Thiraviyaraj and restoring the name of R.Muthu Udaiyar in the patta.

4. I have heard the learned counsel for the petitioners in both these petitions, who are the contesting respondents in the petition filed by the other parties. Both the learned counsel for the petitioners would take me through the impugned order as well as the various documents in support of which the respective writ petitioners rely on seeking to challenge the impugned order of the first respondent.

5. It is seen from the documents that originally the property in Survey No.177/1, was belonging to R.Muthu Udaiyan. It is the case of the Revenue that original Survey No.177/1, was subdivided into 177/1 to 177/31 measuring 77 cents was mutated in the name of Muthu Udaiyan as early as in the resettlement Survey Register of the 1927. Subsequently, the name of the father of the writ petitioner in W.P.(MD)No. 26584 of 24 was mutated in respect of Survey No.177/31. The said mutation in favour



W.P.(MD)Nos.26584 and 24710 of 2024

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of Thiraviyaraj in patta No. 264 is challenged by the petitioner in. W.P. (MD)No.24710 of 2024. The petitioner in W.P.(MD)No. 2471 of 20024 claims under the successors in interest of R.Muthu Udaiyan and that under unregistered partition deed in the year 1954 and again further unregistered partition deed on 19.11.1986, the subject lands in survey No.177/31 measuring 77 cents was allotted to the petitioner in W.P. (MD)No.24710 of 2024.

6. On going through the impugned order and keeping in mind the arguments advanced by learned counsel for the petitioners in both the writ petitions, it is seen that the first respondent appears to have been misled by the reliance placed on the Adangal Extract, 'A' register, for village No.48, S.No.177/31 stands in the name of Muthu Udaiyan, which was never the subject matter of lands in dispute. Admittedly, the petitioners in both the writ petitions are claiming right to 77 cents in Survey No.177/31. The petitioner in W.P.(MD)No.26584 of 2024 bases his claim to his ancestral Muthu Udaiyan, who is assigned survey No. 177/31 in the resettlement register and thereafter, amongst the surviving legal heirs, registered settlement deed came to be executed on 06.08.2009



W.P.(MD)Nos.26584 and 24710 of 2024

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and in furtherance of the same the petitioner was issued joint patta in the year 2009 itself. According to the petitioner in W.P.(MD)No. 26584 of 2024, the petitioner and his ancestors have always been in physical possession and enjoyment of the subject lands in survey No.177/31 and therefore, the first respondent ought not to have relegated the petitioner to file a suit after cancelling the patta standing in the name of the petitioner, especially, when the first respondent has not considered as many as 24 documents that have been filed in support of the petitioner's claim.

7. Per contra, the learned counsel for the petitioner in W.P.(MD)No. 24710 of 2024 would submit that the petitioner claimed under the partition, which was effected wayback in the year 1954 and again, amongst surviving legal heirs year 1986. The petitioner also produced relevant patta pass books before the first respondent and the same have also not been considered by the first respondent, excepting by referring to the impugned order, 1909 sale deed produced by the petitioner in W.P.(MD)No.24710 of 2024.



W.P.(MD)Nos.26584 and 24710 of 2024

WEB COPY

8. I have considered the submissions advanced by the learned counsel on either side.

9. Admittedly, the property originally belongs to one Muthu Udaiyan and it is in respect of the said Muthu Udaiyanm both the petitioners in these writ petitions are claiming title. However, there appears to be an overlapping in respect of the survey No.177/31 measuring 77 cents and both the petitioners claim to be in possession and enjoyment of said 77 cents exclusion of the other.

10. On perusal of the impugned order of the first respondent two things emerge:

(i) the first respondent has not considered any of the documents that have been relied on by the petitioners in both the writ petitions.

(ii) the first respondent has failed to see that what was produced and was produced only certified copy of the sale deed in the year 1909 and not the original.



W.P.(MD)Nos.26584 and 24710 of 2024

WEB COPY

11. Moreover, the several revenue records that had been relied on by both the parties have not even been discussed by the first respondent. While so, the first respondent ought not to have cancelled the patta standing in the name of the father of the petitioner and thereby, relegated the party to approach the Civil Court. Equally, when the petitioner in W.P.(MD)No. 24710 of 2024 had also relied on patta pass books in the name of his predecessor in title, apart from two unregistered Muchalica documents and registered sale deeds in favour of Savarimuthu, the first respondent ought to have weighed all these documents, before coming to a conclusion that the parties will have to be relegated to the Civil Court.

12. In view of non consideration of material documents placed before the first respondent, I deem it fit to set aside the impugned order, which has caused prejudice to both sides, namely, the petitioners in both the two writ petitions, both of whom have challenged the very same order. The impugned order of the first respondent is set aside and the matter is remitted back to the first respondent for conducting fresh enquiry, after affording an opportunity to both the writ petitioners to produce all relevant documents including documents that have already



W.P.(MD)Nos.26584 and 24710 of 2024

WEB COPY

been produced and relied on the earlier proceedings before the Revenue Divisional Officer, as well as before the first respondent. The first respondent shall consider all the documents produced on the side of both the petitioners and after hearing the contentions of both the petitioners, the first respondent shall pass a fresh order, in accordance with the merits of the respective contentions of the petitioners in both the writ petitions. It shall open to the parties to lead oral evidence in order to support their title. The first respondent shall pass a considered order thereafter, in accordance with law and on merits, within a period of twelve (12) weeks from the date of receipt of copy of this order.

13. With the above directions, these Writ Petitions stand allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
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18.02.2025



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W.P.(MD)Nos.26584 and 24710 of 2024

P.B. BALAJI, J.

LS

TO:-

1. The District Revenue Officer
The Office of the District Revenue Officer,
Tiruchirappalli District.
2. The Revenue District Officer,
The Office of the Revenue District Officer,
Tiruchirappalli District.
3. The Thasildar,
East Tiruchirappalli Taluk,
East Tiruchirappalli Taluk Office,
Tiruchirappalli District.

Order made in
W.P.(MD)Nos.26584 and 24710 of 2024

Dated:
18.02.2025