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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2025

CORAM:

THE HONOURABLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.29142 of 2022

P.Ravindran Nair

... Petitioner

Vs

1. The District Revenue Officer,
Kanniyakumari District, Kanniyakumari.
2. The Revenue Divisional Officer (Sub Collector),
Padmanabapuram, Thakkalay,
Kanniyakumari District.
3. The Thasildar,
Killiyur Taluk, Killiyur, Kanniyakumari District.
4. The District Registrar,
Marthandam Registering District,
Marthandam, Kanniyakumari District.
5. The Sub Registrar,
Kollamcode Sub Registrar Office,
Kollamcode, Kanniyakumari District.
6. Sathy Devi
7. Chitra Leka

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to take necessary action to remove the names of the 6th and 7th respondents from patta No.2755 on the basis of the petitioner's representation dated 03.01.2022.



For Petitioner : M/s.V.Murugan
For Respondents : Mr.M.Muthumanikkam
Government Advocate
for R1 to R5
Mr.K.N.Thambi for R6 and R7

ORDER

The present writ petition is in relation to the representation dated 03.01.2022 purportedly seeking the removal of the names of the 6th and 7th respondents from patta No.2755.

2. Learned counsel for the petitioner submits that the petitioner purchased 3.55 cents of vacant land at Kollamcode 'B' village in S.No.601/17 from Shymala Kumari, Bijumon and Sanjumon. According to the petitioner, he is in possession of the said land and has been paying property tax in relation thereto. Upon applying for the encumbrance certificate, it is stated that the petitioner was shocked to find the inclusion of the names of the 6th and 7th respondents herein. The present writ petition has been filed in the said facts and circumstances. Learned counsel for the petitioner invited my attention to patta No.2755. He contends that the names of the 6th and 7th respondents were erroneously included therein and that the representation for the deletion of those names may be directed to be considered.



3. This request is opposed by learned Counsel for the 6th and 7th respondents. By relying on the typeset of papers dated 12.02.2023, learned counsel points out that 3 suits were filed by the petitioner's vendors. By referring to the decree in O.S.No.456 of 1998, learned counsel points out that the suit was filed by Shymala Kumari and others versus Sathy Devi, the 6th respondent herein. He points out that the suit was dismissed on 27.07.2005. He also referred to the second suit in O.S.No.425 of 2013, which was filed by Bijumon and Sanjumon, who are 2 of the petitioner's vendors, against Shymala Kumari and the 6th and 7th respondents herein. Learned counsel points out that the plaintiff sought to set aside the sale deed dated 19.05.1986 and that the suit was dismissed for default. He also points out that the interim application seeking restoration of the suit came to be dismissed on 19.01.2016. Learned counsel also referred to a 3rd suit(O.S.No.12 of 1987) before the Sub Judge, Kuzhithurai, which was also filed by Shyamala Kumari, Bijumon and Sanjumon and to the order in C.R.P.(MD)Nos.174, 175 and 648 of 1994 allowing the revision petitions filed against order dated 08.10.1993, I.A.Nos.331, 332 and 330 of 1987. Thus, learned counsel contends that the petitioner's vendors had litigated on 3 occasions against the 6th and 7th respondents and failed. Consequently, learned counsel submits that the effort made by the petitioner to resurrect the matter should not be countenanced.



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4. On examining the orders referred to by learned counsel for the 6th and 7th respondents, it is evident that suits were filed in relation to the sale deeds relied on by the 6th and 7th respondents and these suits were dismissed. The orders of dismissal have attained finality as on date. On the basis of sale deeds which were challenged unsuccessfully by the petitioner's vendors, the names of the 6th and 7th respondents have been included in patta No.2755. In these circumstances, the Revenue Divisional Officer cannot delete the said names in exercise of jurisdiction under the Tamil Nadu Patta Passbook Act. Consequently, a mandamus as requested for by the petitioner cannot be issued.

5. For reasons set out above, this writ petition is dismissed without any order as to costs.

21.11.2025

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



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SENTHILKUMAR RAMAMOORTHY, J.

RJR

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