

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.01.2025**

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CORAM:

**THE HONOURABLE MRS.JUSTICE N.MALA**

**W.P(MD)NO.27828 OF 2024**

**and**

**W.M.P(MD)Nos.23616 and 23617 of 2024**

Sugumaran

: Petitioner

.vs.

1.The District Revenue Officer,  
District Revenue Office,  
Karur.

2.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Kulithalai,  
Karur.

3.The Tahsildar Office,  
Tahsildar Office,  
Krishnarayapuram Taluk,  
Karur.

4.The Zonal Deputy Tahsildar,  
Krishnarayapuram Taluk,  
Karur.

5.The Village Administrative Officer,  
Mayanur Village,  
Krishnarayapuram Taluk,  
Karur District.

6.Dhanaraj

: Respondents



**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records in Na.Ka.A7/6660/2023, dated 30.10.2024 on the file of the second respondent and to quash the same and consequently to direct the respondents to proceed as per the order of this Honourable Court in W.P(MD)No.7212 of 2024, dated 25.3.2024.

For Petitioner :Mr.I.Romeo Roy Alfred  
For Respondents :Mr.Muthumanikkam  
1 to 5 Government Advocate (Civil Side)  
For Respondent-6 :Mr.V.Kannan  
Addl.Govt.Pleader

**ORDER**  
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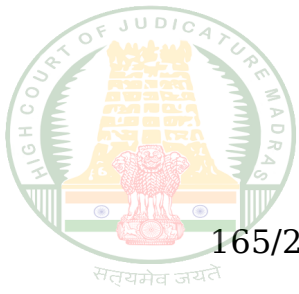
This Writ Petition is filed for a Writ of Certiorarified Mandamus calling for the records in Na.Ka.A7/6660/2023, dated 30.10.2024 on the file of the second respondent and to quash the same and consequently to direct the respondents to proceed as per the order of this Honourable Court in W.P(MD)No.7212 of 2024, dated 25.3.2024.

**Facts of the case:**

2.The Petitioner's mother Chinnammal purchased 10 cents of land in S.No.165/2X through registered sale deed, dated 27.3.1975, in Mayanur Village, Krishnarayapuram Taluk.The total extent of



S.No.165/2X is 12.35 cents. Eversince the date of purchase by the Petitioner's mother, the Petitioner was in peaceful possession and enjoyment of the property by constructing a residential house. Adjacent to the said property, land to an extent of 2.35 cents belonged to the Petitioner's grand-father Karuppannan. The Petitioner's grand-father had four sons namely, Murugan, Arumugham, Ramasamy and Elangovan. The aforesaid four persons partitioned the property belonging to Karuppannan among themselves and built houses in their respective portions. The share of the Petitioner's father Mr.Murugan allotted to him in the partition was kept vacant and was in peaceful possession and enjoyment of the Petitioner. The legal heirs of Karuppannan were issued with patta in Patta No.654, to an extent of 12.35 cents including the 10 cents purchased by the Petitioner's mother. Apart from the aforesaid lands, the Petitioner's father purchased 1034 sq.ft in the same survey number through registered sale deed, dated 15.03.1982. Therefore the Petitioner's father Murugan had share in the family property as also the above 1034 sq.ft of land, Which he purchased. The Petitioner's family entered into a registered partition deed of the aforesaid lands of their parents Murugan and Chinnammal. In pursuance of the partition, the Petitioner applied for sub-division and for issuance of patta. The property was sub-divided into S.Nos. 165/2X1A, 165/2X1B and



165/2X1C. The land in S.No.165/2X1A stood in Joint Patta No.654.

The land in S.No.165/2X1B stood in patta No.708 and S.No.2X1C stood in Patta No.723. While so, the sixth respondent, who is the son of the Petitioner's paternal Uncle, Elangovan, after his demise, gave a representation to the third respondent to include the name of his legal heirs. The sixth respondent filed a Writ Petition in W.P(MD)No.14071 of 2020, for a writ of Mandamus directing the third respondent to consider the Petitioner's representation, dated 1.6.2020, and to include his name in the joint patta in S.No.765/2, in Mayanur Village, Krishnarayapuram Taluk, Karur District. This Court directed the third respondent to issue notice to all the parties concerned, conduct an enquiry and pass orders within a period of three weeks. Thereafter, the sixth respondent filed another writ Petition in W.P(MD)No.24173 of 2022 to include his name as well the name of his mother and sister in Joint patta No.654, for the property in S.No.165/2X1A, dated 02.11.2022, citing the proceedings of the third respondent, dated 12.02.2021. This Court vide order, dated 2.11.2022 directed the inclusion of the sixth respondent's name, his mother's and sister's name in the joint Patta No.654. Thereafter, the sixth respondent filed another writ petition in W.P(MD)No.3117 of 2024, with the very same prayer citing the proceedings of the third respondent, dated 9.10.2023. This Court vide order, dated 14.02.2024 directed the second



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respondent to pass appropriate orders within a period of sixteen weeks. In pursuance of the said order, the Petitioner was issued summons on 14.05.2024, by the second respondent and the reason given in the summon was that the sixth respondent was seeking inclusion of the names of legal heirs of Elangovan as directed by this Court in W.P(MD)No.3117 of 2024. While so, the Petitioner was shocked to know on verification of online patta that the claim of the sixth respondent was already complied with by the second respondent on 11.01.2024, and the names of the Petitioner, his sister and mother were included in the Joint patta No.654 for S.No. 165/2X1A. The second respondent without considering the same, passed the impugned order. Aggrieved by the same, the Petitioner filed the above Writ Petition for the aforesaid relief.

3.The third respondent filed a counter and referring to the earlier proceedings, submitted that the impugned order was unassailable inasmuch as the second respondent had rightly referred the parties to the Civil Court for deciding the title to the property. The third respondent relying on the judgment of this Court in W.A.No.1342 of 1994, dated 26.10.1994, submitted that the parties had to settle the dispute as to the title before the Civil Court and in any event, the findings of the second respondent in the impugned order would not bind the Civil Court. According to



the respondents, there was no violation of any rights and therefore, the prayer sought for by the Petitioner ought not to be granted. The respondents hence prayed for dismissal of the Writ Petition.

4. The learned counsel for the Petitioner submitted that the impugned order was ex facie illegal, as the second respondent exceeded his jurisdiction in cancelling the Petitioner's patta and the sub-divisions. The learned counsel submitted that the second respondent instead of including the names of the legal heirs of Elangovan, had in violation of the orders passed by this Court, cancelled the patta issued in favour of the Petitioner. The learned counsel further submitted that even before the order dated 14.12.2024 in W.P(MD)No.3117 of 2024 came to be passed, the prayer of the Petitioner for inclusion of his name in patta No.654 was complied with by proceedings, dated 11.01.2024 and therefore, in all fairness, the sixth respondent ought to have prayed before the Court that the writ petition became infructuous. The learned counsel therefore submitted that the impugned order was illegal and the same deserved to be set aside.

5. The learned Government Advocate appearing for the respondents 1 to 5 reiterated the submissions made in the Counter

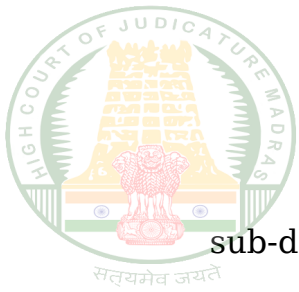


and submitted that the impugned order only referred the parties to the Civil Court for settling the title dispute and therefore, the impugned order ought not to be set aside. The learned counsel therefore submitted that the Writ Petition was without merits and the same deserved to be dismissed.

6.The learned counsel for the sixth respondent submitted that the sixth respondent disputed the title of the Petitioner and therefore the second respondent had rightly referred the parties to the Civil Court for settling the title dispute. The learned counsel further submitted that the contentions raised by the learned counsel for the Petitioner were untenable as the parties were rightly referred to the Civil Court for settling their title disputes. The learned counsel therefore prayed for dismissal of the Writ Petition.

7.I have heard the submissions made on either side and perused the materials placed on record.

8.The facts are not disputed. Patta was originally granted in Patta No.654 for the property in S.No.165/2 to the legal heirs of Karupannan viz. Murugan, Ramasamy, Arumugam and Elangovan. After the family partition on 21.10.1999, the Petitioner applied for



sub-division of S.No.165/2X and the same was sub divided into S.Nos. 165/2X1A, 165/2X1B and 165/2X1C. Patta No.654 was granted for S.No.165/2X1A. The Petitioner was also issued with patta in Patta No.708, for S.No.165/2X1B and patta No.723 for S.No.165/2X1C. The Sixth respondent, who is the legal heir of Elangovan, one of the sons of Karuppannan, sent representation to the third respondent on 1.6.2020, to include the names of the legal heirs of Elangovan in Patta No.654 after the demise of said Elangovan. The sixth respondent filed W.P(MD)No.14071 of 2020 directing the third respondent to conduct an enquiry and also filed W.P(MD)No.24173 of 2022 and W.P(MD)No.3117 of 2024 to include his name along with the names of his mother and sister in the joint patta No.654. This Court passed orders in the said writ petitions and in pursuance of the order passed in W.P(MD)No.3117 of 2024, dated 14.2.2024, the present impugned order was passed. To understand the nature of the enquiry conducted by the second respondent, the orders passed by this Court have to be examined. In W.P(MD)No.3117 of 2024, the prayer was for a writ of mandamus directing the second respondent to include the name of the sixth respondent in patta No.654 relating to S.No.165/2X1A, in Mayanur Village Group, Krishnarayapuram Taluk, Karur District. On the basis of the report of the third respondent, dated 9.10.2023, this Court without going into the merits of the matter



vide order, dated 14.2.2024, directed the second respondent to conclude the enquiry and pass appropriate orders based on the report of the third respondent, dated 9.10.2023, on merits and in accordance with law within a period of sixteen weeks. The third respondent in his report, dated 9.10.2023 recommended that the sub-division made in S.No.165/2X be set aside and the original patta in Patta No.654 be restored and thereafter, the respective pattadhars may apply for sub-division. The second respondent, in pursuance of the report of the third respondent and the order passed by this Court on 14.2.2024, accepted the report of the third respondent and ultimately referred the parties to the Civil Court for settling the title dispute. In the said process, the second respondent restored the patta which originally stood in the name of the legal heirs of Karuppannan.

9.It is seen that the sixth respondent approached this Court earlier for inclusion of his name in the patta issued to the Petitioner. Later, the names of the sixth respondent, his mother and sister were included in the patta. The Petitioner in his affidavit specifically contended that the order of the third respondent was passed behind his back, without notice to him and without giving an opportunity of hearing to explain his case. The Petitioner further contended that he came to know of the 3<sup>rd</sup> respondent's



report dated 09.10.2023 only during proceedings of the 2<sup>nd</sup> respondent. According to the petitioner when the third respondent passed adverse remarks on the Petitioner's partition deed and recommended for cancellation of his patta and the sub-divisions, an opportunity of hearing ought to have been given to him. As no opportunity was given, the report of the third respondent ought not to have been relied on by the second respondent for passing the impugned order, as the 3<sup>rd</sup> respondents report dated 09.10.2023 was vitiated for gross violation of the principles of natural justice.

10.I find force in the petitioner's contention, from a reading of the report of the third respondent, dated 9.10.2023, it is clear that no notice of enquiry was issued to the petitioner and absolutely no opportunity was given to the Petitioner while recommending the cancellation of sub divisions and the pattas. As the 2<sup>nd</sup> respondent heavily relied on the 3<sup>rd</sup> respondent's report, which is found to be illegal for violation of principles of natural justice, I am of the view that the impugned order cannot be sustained and deserves to be set aside.

11.Be that as it may, it is further seen that the second respondent had gone into disputed questions of facts on title and given certain findings which would affect the rights of the parties,



in the event they approached the Civil Court. Moreover, the second respondent's findings of fact on the question of title, the cancellation of sub-divisions and the patta issued in favour of petitioner were beyond the scope of the enquiry which was restricted to inclusion of the sixth respondent's name. In view of the above discussions, I find that the impugned order cannot be sustained and hence, the same is set aside. It is made clear that if parties approach the Civil Court the impugned order of the 2<sup>nd</sup> respondent will be eschewed by the Civil Court.

12. With the aforesaid observation, the Writ Petition stands allowed. There is no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

**22.01.2025**

NSC :Yes/No  
Index:Yes/No  
Internet:Yes/No  
vsn/ah

To

1. The District Revenue Officer,  
District Revenue Office,  
Karur.
2. The Revenue Divisional Officer,  
Revenue Divisional Office,  
Kulithalai,  
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**N.MALA, J.**

vsn

**ORDER MADE IN**  
**W.P(MD)NO.27828 OF 2024**  
**and**  
**W.M.P(MD)Nos.23616 and**  
**23617 of 2024**

**22.01.2025**