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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 30.10.2025

CORAM

**THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.P.(MD)No.8 of 2025**  
**and**  
**W.M.P.(MD)Nos.4 & 5 of 2025**

1.R.Kalistus  
2.Gimshy R.Kalistus  
3.Aarthi K.J.Veronica  
4.Christina K.J.Veronica ...Petitioners

Vs

1. The District Revenue Officer,  
Nagercoil,  
Kanyakumari District.  
2. The Sub Collector,  
Padmanabhapuram,  
Kanyakumari District  
3. The Tahsildar,  
Killiyoor Division,  
Kanyakumari District  
4.Ahamed Rasheed  
5.John Britto ...Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the impugned orders as passed by the 2<sup>nd</sup> respondent dated 10.08.2021 under reference no. Na.Ka.A3/3988/2020 and subsequent confirmation by the 1<sup>st</sup> Respondent dated 04.10.2024 under



Reference No.M4/31398/2021 with regard to cancellation of Sub Division and original patta in the name of the petitioners in relation to the property bearing S.No.322/2A situated at Eluthesam C Village, Kanyakumari District to the issuance of new patta to the 5<sup>th</sup> respondent and quash the same as illegal and erroneous forthwith.

For Petitioners : M/s.C.Jeevin  
For Respondents : Mr.M.Muthumanikkam  
Government Advocate for R1 to R3  
Mr.S.Vasantha Yugesh for R4 and R5

### **ORDER**

Based on an appeal filed by the 4<sup>th</sup> respondent before the Revenue Divisional Officer, subdivisions effected in S.No.322/2A2 were cancelled and the position prevailing prior thereto was restored. The petitioners filed a revision petition before the second respondent challenging the order of the Revenue Divisional Officer and such revision petition was dismissed on 04.10.2024. Challenging these concurrent orders, the present writ petition has been filed.

2. Learned counsel for the petitioner relies upon sale deed executed on 03.10.2005 and the settlement deed dated 01.09.2005 in favour of the 3<sup>rd</sup> and 4<sup>th</sup> petitioners. He contends that the subdivisions were correctly made and that the impugned orders are liable to be interfered with. Learned counsel for the



petitioner further submits that the Revenue Divisional Officer refused to interfere on the ground that a civil suit is pending in O.S.No.175 of 2018 before the learned District Munsif, Kuzhithurai. He also contends that such civil suit is only for an injunction and not for a declaration of title. Consequently, learned counsel contends that such suit is not an impediment for the revenue authorities to decide the matter.

3. On the contrary, learned counsel for the 4<sup>th</sup> and 5<sup>th</sup> respondents submits that the original owner of the larger extent of land was the father of the 4<sup>th</sup> respondent. Upon the death of Meeran Mohideen, he submits that the members of his family and legal heirs executed a settlement deed in relation to a portion of the property in favour of Ahmed Rasheed. Ahmed Rasheed, in turn, executed sale deed dated 06.06.2020 in favour of the 5<sup>th</sup> respondent. Therefore, learned counsel contends that the 5<sup>th</sup> respondent has a legitimate right over the property having purchased the same from the son of the original owner thereof. In any event, in view of the rival title claims, learned counsel submits that parties should resolve the title claims before the jurisdictional civil court.

4. On pursual of the order of the District Revenue Officer, it is noticeable that the revenue records were examined and it was recorded that as per the settlement "A" Register, patta No.2625 had been issued in respect of S.No.



322/2 of an extent of 4.04.5 hectares in the name of Mohammad Hussain, Mohammed Meeran Maideen and Khadir Meera Ummal. Thereafter, the various conveyances in relation to the property have been noticed. These conveyances include conveyances in favour of the petitioners and the conveyance in favour of the 5<sup>th</sup> respondent. The District Revenue Officer has also noticed that a civil suit in relation to S.No.322/2A2 has been filed by the petitioners against Ahmed Rasheed and that such civil civil suit is pending adjudication. In those circumstances, parties have been directed to approach the revenue authorities after the disposal of the civil suit.

5. Given the fact that the rival claimants trace their title through Meeran Mohideen, whose name finds place in the settlement “A” Register, it appears that there is a title dispute. Such title dispute can only be resolved by the jurisdictional civil court. Therefore, I find no infirmity in the concurrent impugned orders before this court. Consequently, this writ petition is dismissed without any order as to costs by leaving it open to the petitioners to adjudicate the title claim before the jurisdictional civil court. Consequently, connected writ miscellaneous petitions are also closed.

**30.10.2025**

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



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**SENTHILKUMAR RAMAMOORTHY, J.**

RJR

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