



WEB COPY

WP No. 28169 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 28169 of 2024

M/s.Muthugapatti Village Panchayat,
Rep. by its President Mr.Arul Rajesh,
Erumapatty Panchayat Union,
Sendamangalam Taluk, Namakkal District,
Tamilnadu-637 405.

..Petitioner(s)

Vs

1. The Collector,
Namakkal District, Tamil Nadu.
2. The District Revenue Officer,
Namakkal District, Tamilnadu.
3. The Tahsildar,
Sendamangalam Taluk, Namakkal District,
Tamil Nadu.
4. R.Mohana

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of writ of mandamus, directing the 1st to 3rd respondents herein to sub divide the properties situated in S.No.241/10B1A, S.No.241/14A and S.No.241/14B of Muthugapatti Village, Sendamangalam Taluk, Namakkal District as per the Gift deed dated 29.04.2003 and consequently direct the 1st and 3rd respondents herein to mutate the revenue records in so far as the subdivided extent is concerned as a Panchayat Road.



WEB COPY

WP No. 28169 of 2



For Petitioner(s):

Mr.Vikram Veerasamy

For Respondent(s):

Mr.T.K.Saravanan

Additional Government Pleader for R1 to R3

Mr.Rahul Balaji for R4

ORDER

This Writ Petition has been filed for a mandamus, directing the 1st to 3rd respondents herein to sub divide the properties situated in S.No.241/10B1A, S.No.241/14A and S.No.241/14B of Muthugapatti Village, Sendamangalam Taluk, Namakkal District as per the Gift deed dated 29.04.2003 and consequently direct the 1st and 3rd respondents herein to mutate the revenue records in so far as the subdivided extent is concerned as a Panchayat Road.

2. The learned counsel appearing for the petitioner would submit that in the present case, the petitioner filed an application to mutate the patta in the name of the petitioner Panchayat vide application dated 12.12.2023 and the same has been rejected on the same day, citing reason that there is a case in O.S.No.144 of 2023 is pending with respect to the Survey No.241/14B whereas the petitioner would submit that in the present case, the application for mutation of patta was made not only for Survey No.241/14B, but also for Survey Nos.241/10B1A and 241/14A as well. He would submit that no reason was assigned for refusing mutation of patta for other two survey numbers. Under



these circumstances, he would submit that a gift deed was executed by the petitioner's father in favour of the petitioner Panchayat. On the strength of the gift deed, the petitioner made an application.

3. The learned counsel appearing for the Official respondents would submit that there is a suit pending with regard to Survey No.241/14B therefore, the respondents are not in a position to consider the petitioner's application and she would further submit that the petitioner is not at all owner of the property. Since the property is not in the name of the petitioner, they are not in a position to consider the petitioner's application.

4. The learned counsel appearing for the 4th respondent would submit that the legal representative of the donor filed a suit in O.S.No.144 of 2023 for the purpose permanent injunction and another suit filed in O.S.No.110 of 2025 for injunction. He would submit that there was no road in the subject property and for the purpose of laying road, the 4th respondent's father / petitioner's father gifted the property and the 4th respondent not aware of the said gift deed executed by her father. Therefore, he prayed for dismissal of the writ petition.

5. Heard the learned counsel appearing for the petitioner as well as the respondents and perused the material available on record.



6. In the present case, the petitioner has made an application for the purpose of mutation of record with regard to S.No.241/10B1A, S.No.241/14A and S.No.241/14B, to which, the 4th respondent's father executed a gift deed dated 29.04.2003 for the purpose of laying road alone.

7. Under these circumstances, the petitioner made an application for the purpose of mutation of records by virtue of the application dated 12.12.2023 and the same was rejected, citing reason that there was a suit pending in O.S.No.144 of 2023 with regard to S.No.214/14B. The said suit is only for the purpose of permanent injunction. The 4th respondent's father gifted the property for the purpose of laying road and the 4th respondent being a daughter, she just like that cannot restrain the petitioner from mutating records by filing a suit. Pending suit, will no way obstruct the official respondents from mutating the records in favour of the petitioner, who is yet another public institution. Unless the 4th respondent establishes her title, she will not entitled for permanent injunction, when the gift deed was executed by the 4th respondent's father. It is stated that subsequently, suit in O.S.No.110 of 2025 has also been filed after filing the present writ petition. Even pending suit, it is not bar for mutating the records. Once the suit is decided, the respondent can mutate the record in favour of the person, who succeeded in the suit. In such being the case, in a mechanical manner, rejecting the petitioner's application dated 12.12.2023 is not sustainable and subsequently, the petitioner made another application on



15.12.2023 and the same was not considered.

WEB COPY

8. Such being the case, this Court directs the respondents to consider the petitioner's application dated 15.12.2023 and mutate the revenue records in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this order and it is made clear that the same is subject to the outcome of the pending suit filed by the 4th respondent. The said exercise shall be carried out by 02.06.2026.

9. This Writ Petition is disposed of with the above terms. No costs.

10. List this matter 'for reporting compliance' on 11.06.2026.

21-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KKN



WP No. 28169 of 2



KRISHNAN RAMASAMY, J.

KKN

WEB COPY

To

1. The Collector,
Namakkal District, Tamil Nadu.
2. The District Revenue Officer,
Namakkal District, Tamilnadu.
3. The Tahsildar,
Sendamangalam Taluk, Namakkal District,
Tamil Nadu.

WP No. 28169 of 2024

21-04-2026