



W.P.No.30021 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2026

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

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M/S.BMS PRIVATE LIMITED
REP. BY ITS DIRECTOR, P.S.MOORTHY MYSORE
TRUNK ROAD RANGASAMUTHIRAM VILLAGE
SATHYAMANGALAM TOWN ERODE DISTRICT.

...Petitioner

Vs

1 THE DISTRICT REVENUE OFFICER
ERODE ERODE DISTRICT.

2 THE THASILDAR
SATHYAMANAGAM TALUK ERODE DISTRICT.

3 THE COMMISSIONER
SATHYAMANAGAM MUNICIPALITY ERODE DISTRICT.

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to sub divide and issue patta to the petitioner's property to an extent of 13 cents comprised in Old Survey No.30-B, New Survey No. 79/2 presently Ward-E Block-13 T.S.No. 4 at Rangasamuthiram Village, Sathyamangalam Erode District as per the direction of 1st respondent in Na.Ka.No.9704 /2023 / A9 dated 12.03.2024 within the time frame fixed by this Honorable Court.

For Petitioner	: Mr.E.M.Sajith
For Respondents 1 & 2	: Mr.C.Gowthamaraj GA.
For Respondent-3	: Mr.B.Anand
	Government Advocate



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Order

Heard Mr.E.M.Sajith, learned counsel appearing for the petitioner,

Mr.C.Gowthamaraj, learned Government Advocate for the respondents 1 and 2 and Mr.B.Anand, learned Government Advocate for the third respondent.

2. This Writ Petition is filed seeking for the following prayer:-

i) For issuance of a Writ of Mandamus directing the 2nd respondent to sub-divide and issue patta to the petitioner's property morefully described in the prayer of this Writ Petition as per the direction of 1st respondent in Na.Ka.No.9704 /2023 / A9 dated 12.03.2024 within the time frame fixed by this Honorable Court.

3. Learned counsel for the petitioner would submit that the petitioner has given a Petition dated 26.11.2022 to the second respondent, Thasildar to sub-divide and issue patta to the petitioner's subject property; that though the second respondent vide proceedings dated 25.01.2023 accepted the title of the petitioner-Company, instead of issuing patta, forwarded the petitioner's Petition to the first respondent; that the first respondent vide proceedings dated 12.03.2024 remanded the patta transfer proceedings to the second respondent to conduct proper enquiry and pass orders as per law, since the second respondent is the Competent Authority to issue patta and to make



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necessary mutation in the revenue records; that, till date no such enquiry was conducted and no mutation of revenue records has been effected, hence, the learned counsel prays for appropriate orders.

4. The learned Government Advocate for the respondents 1 and 2, viz., Revenue Officials submitted that both the petitioner and the third respondent have filed Suits before the Civil Court seeking for declaration of right/title/interest over the subject property and also for permanent injunction respectively; that under these circumstances, the petitioner has filed this Writ Petition; that unless and until, the rights of both the petitioner and the third respondent is declared by the Civil Court, the respondents 1 and 2 cannot be expected to pass any orders favouring the petitioner by merely based on the recommendation of the first respondent vide proceedings dated 12.03.2024.

5. Learned Government Advocate for third respondent would submit that all the revenue records stands in the name of the third respondent, however, he fairly submitted that since suit is pending before the Civil Court, till the adjudication of the suit, the petitioner cannot claim independent right over the property for using the subject property as a pathway.

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6. I have given due considerations to the submissions made by the learned counsel for the parties concerned and perused the materials placed on record.

7. The total extent of the land situated in S.F.No.79/2 is 75 cents, out of which, the petitioner's predecessor in title, viz., Mr.N.Veerasami Chettiar has purchased 62 cents from the Government under the control of the third respondent. The said N.Veerasami Chettiar in order to have free access from the said 62 cents of land, thought it fit to purchase the subject property, measuring 13 cents of land and purchased the same from the Government vide Sale Deed dated 30.12.1953. After the said purchase, said N.Veerasami Chettiar, his legal heirs and thereafter, the petitioner is in absolute possession and enjoyment of the same. Therefore, the petitioner has made necessary application for mutation of the Revenue Records on 15.02.2022.



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8. As per the said Sale Deed, the petitioner's claims right over the subject land, measuring 13 cents and has been using the said land as a pathway. However, since the balance 31 cents out of said 44 cents in the said S.F.No.79/2 is vested with the third respondent-Municipality and the officials of the third respondent-Municipality all of a sudden entered into the petitioner's subject land and demolished the compound wall, which was separating the subject land, viz., 13 cents of land and the balance 31 cents of land owned by the third respondent, the petitioner is now seeking for subdivision and to issue separate patta in the name of the petitioner in respect of 13 cents of land.

9. According to the petitioner, they are in absolute possession and enjoyment of the subject land measuring 13 cents right from the date of purchase. However, the third respondent claims right over the subject property based on the revenue records. Thus, it is clear that probably due to failure on the part of the Revenue Officials in having failed to carryout necessary mutation in the revenue records as per the sale deed dated 30.12.1953 that might be the reason, why, revenue records stands in the name of the third respondent. The second respondent, immediately upon



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receipt of the petition from the petitioner ought to have conducted enquiry and carried out mutation in the revenue records. Therefore, it is due to such failure, now the petitioner is landing in trouble.

10. However, this Court cannot issue any direction favouring the petitioner, inasmuch as, the Suits filed by both the petitioner and the third respondent, Commissioner, Sathyamangalam Municipality seeking for the declaratory relief of title/right/interest and also permanent injunction respectively are pending before the Civil Court. Therefore, this Court is of the considered view that the petitioner's right over the subject can be only based on the adjudication of the pending suits.

11. Hence, the Writ Petition is disposed of with a direction to the third respondent not to disturb the possession of the petitioner, unless, the suit has attained finality before the Highest Court of law. No costs. Consequently, connected Miscellaneous Petition is closed.

12.03.2026

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Index : yes/no

Neutral Citation : yes/no

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Krishnan Ramasamy,J.,

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