



W.P.(MD) No.1160 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

CORAM

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD) No.1160 of 2026

Franchis Xavier

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

2.The Tahsildar,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the first respondent to issue separate patta to the petitioner in Survey No.55/1, which was sub divided as Survey No.55/1A and Survey No.55/1B and now sub divided as 55/1A2, 55/1B4, 55/1B7B, 55/1B1B, 55/1B2, 55/1B9, 55/1B5, 55/1B10, 55/1B3, 55/1B8 and 55/1B6B as per the right of ownership and possession conformed by this Court in Second Appeal in SA.(MD).No. 318 of 2015 dated 27.01.2025 and also based on the petitioner's representation dated 19.12.2025, within a time frame fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran



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For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the first respondent to issue a separate patta to the petitioner in respect of Survey No.55/1, which was subdivided as Survey Nos.55/1A and 55/1B and is now further subdivided as Survey Nos. 55/1A2, 55/1B4, 55/1B7B, 55/1B1B, 55/1B2, 55/1B9, 55/1B5, 55/1B10, 55/1B3, 55/1B8 and 55/1B6B, in accordance with the right of ownership and possession confirmed by this Court in Second Appeal S.A.(MD) No. 318 of 2015 dated 27.01.2025 and also by considering the petitioner's representation dated 19.12.2025, within such time frame as may be fixed by this Court.

2. With the consent of the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner is that he purchased the property in Survey No.55/1, measuring an extent of 2 acres and 50 cents, situated at



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Munnerpallam Village, Palayamkottai Taluk, Tirunelveli District, on

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08.11.1971. The said survey number was later subdivided as Survey Nos.

55/1A and 55/1B and is now further subdivided as Survey Nos.55/1A2, 55/1B4, 55/1B7B, 55/1B1B, 55/1B2, 55/1B9, 55/1B5, 55/1B10, 55/1B3, 55/1B8 and 55/1B6B.

4. In October 2001, the petitioner came to know that certain unknown persons were claiming rights over the said property and upon verification, found that one M.S.Srinivasan had forged a Power of Attorney dated 22.06.1990 in the petitioner's name as if the petitioner himself had executed the same and had also executed several sale deeds in favour of various third parties by impersonating the petitioner and appearing before the Sub-Registrar.

5. Therefore, the petitioner filed a suit in O.S.No.316 of 2004 on the file of the II Additional District Court, Tirunelveli, seeking a declaration that the Power of Attorney dated 22.06.1990 is *void ab initio*, that the consequential sale deeds are not binding on the petitioner and for permanent injunction. The said suit was decreed in favour of the petitioner on 28.06.2012, against which an appeal in A.S.No.110 of 2012 was filed



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on the file of the Additional Sub Court, Tirunelveli. The said appeal was dismissed on 20.11.2014. The second appeal in S.A.(MD) No.318 of 2015 filed before this Court was also dismissed on 27.01.2025, thereby confirming the decree in favour of the petitioner.

6. Since the petitioner was bedridden, on behalf of the petitioner, the petitioner's wife submitted a representation dated 19.12.2025 to the first respondent seeking cancellation of the pattas issued in favour of third parties. As the first respondent has not taken any action on the said representation, the petitioner has filed the present writ petition.

7. The learned Special Government Pleader appearing for the respondents would submit that the petitioner's representation dated 19.12.2025 would be considered and appropriate orders would be passed by the first respondent within a period of ten weeks.

8. Recording the above submission and without expressing any opinion on the merits of the matter, this Writ Petition is disposed of with a direction to the first respondent to consider the petitioner's representation dated 19.12.2025 and pass appropriate orders on its merits and in



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accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The first respondent is also directed to provide a reasonable opportunity of hearing to the petitioner and any other interested parties who may be affected by such decision before passing any order. It is needless to state that the findings rendered by this Court in S.A.(MD) No.318 of 2015 shall be duly followed while considering the petitioner's representation dated 19.12.2025. There shall be no order as to costs.

[K.SURENDER, J.]
20.01.2026

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Index : Yes / No
Neutral Citation : Yes / No

To

- 1.The Revenue Divisional Officer,
Tirunelveli,
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