



WA(MD)No.43 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2026

CORAM :

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**WA(MD)No.43 of 2026
and CMP(MD) No.581 of 2026**

S.Subramaniyan

... Appellant

Vs

1.The District Collector,
O/o.District Collector
Sivagangai District
Sivagangai

2.The District Revenue Officer
District Collector Office Campus
Sivagangai District
Sivagangai

3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Sivagangai District
Sivagangai.

4.The Tahsildar
O/o.The Tahsildar
Kalayarkoil Taluk
Sivagangai District
Sivagangai

5.S.Savarimuthu

... Respondents



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PRAYER :-Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order made in WP(MD). No.18479 of 2019 dated 31.10.2025.

For Appellant : Mr.G.Sarathkumar

For Respondent : Mr.SRA.Ramachandran for R1 to R4
Additional Government Pleader

JUDGMENT

((Judgment of the Court was delivered by Dr.**G.JAYACHANDRAN, J.**)

The common order passed by the learned Single Judge in CRP(MD) No. 220 of 2024 and WP(MD) No.18479 of 2019 is under challenge by way of writ appeal in WA(MD) No.43 of 2026.

2. The contention of the learned counsel for the appellant is that there is a dispute regarding the patta in respect of the land in S.No.297/17 in Kalaiyarkoil Panchayat Union. Admittedly, the land in dispute is a sarkar poramboke and fight is between the appellant and the 5th respondent by name Savarimuthu.

3. The learned counsel for the appellant would submit that pursuant to the notice issued by the Revenue Divisional Officer, Sivagangai for enquiry, a representation was given by the petitioner herein and so far, it has not been



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disposed of. Meanwhile the 5th respondent and others have filed OS No.128 of 2019 on the file of the District Munsif Court, Sivagangai and order in IA No.2 of 2022 came to be passed against the appellant herein. Hence, the appellant, challenging the order passed in the interlocutory application, had preferred CRP(MD) No.220 of 2024 and in respect of the non consideration of representation, sought for mandamus to conduct enquiry and dispose of his representation.

4. The learned Single Judge, who heard both the Civil Revision Petition and writ petition, has passed a common order disposing the writ petition observing mandamus cannot be granted in the circumstances of the case, since civil suit has already been filed. Insofar as the revision petition is concerned, has directed the District Munsif Court, Sivagangai to expeditiously dispose of the main suit in OS No.128 of 2019 as early as possible, preferably, within six months from the date of receipt of the order.

5. According to the learned counsel for the appellant, the above directions, without directing the respondents 1 and 2 to dispose the representation on issuance of patta, is bad in law. The representation of the petitioner in respect of patta has to be decided only by the revenue authorities



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pendency of the civil suit will not take away the right of the writ petitioner to agitate before the revenue authorities, namely, the District Collector and the Revenue Divisional Officer.

6. This Court, after giving anxious consideration to the submissions made by the learned counsel, found that the land in dispute appears to be a water body and as early as in the year 2019, necessary action has been taken by the revenue authorities to cancel the patta wrongly issued and the said proceedings has not reached finality, however, by the time, the parties have approached the civil Court.

7. According to the learned counsel for the appellant, dispute regarding cancellation of patta issued by way of assignment cannot be decided by the civil Court. Only the revenue authorities competent to consider whether the patta already assigned needs to be cancelled. Therefore relegating the parties to the civil Court to decide about the cancellation of patta may not be appropriate.

8. The law and procedure regarding issuance of patta and cancellation or rejection though primarily rest on the revenue authorities, in case of any dispute, ultimately, it is the civil Court, which has to examine the discretion and



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pass appropriate orders. In this case, the parties have already approached the civil Court and the matter is pending for nearly six years. In the said circumstances, it is appropriate for the parties to implead the revenue officials in the suit to sustain their right over the property placing necessary documents and evidence. The representation of the appellant herein even if not so far been considered by the 2nd respondent, it is futile to direct him to dispose the representation at this point of time, since it will not give any finality to the dispute.

9. Therefore, in the interest of justice, we dispose of the writ appeal with liberty to the appellant herein to take necessary steps to implead the revenue officials in the pending suit and work out his remedy before the civil Court. No costs. Consequently connected Miscellaneous Petition is closed.

Index : Yes / No
Neutral Citation : Yes / No
RR

(G.J, J.) (N.S, J.)
23.01.2026



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DR.G.JAYACHANDRAN, J
and
N.SENTHILKUMAR, J.

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Order made in
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