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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

WA.(MD)Nos.224 & 225 of 2026
and
CMP.(MD)Nos.2427 & 2429 of 2026

1.The District Collector
Collectorate Campus Nagercoil
Kanyakumari District

2.The Revenue Divisional Officer,
Padmanabapuram
Kanyakumari District.

3.The Tahsildar,
Killiyoor Town Panchayat
Nagercoil Kanyakumari District.

...Appellants in both W.As.

Vs.

1.J Sudha

2.The Commissioner
Killiyoor Panchayat Union
Tholaiyavattam Post
Kanyakumari District.

3.Killiyoor Town Panchayat
Rep. by the Executive Officer
Tholaiyavattam Post
Kanyakumari District.

... Respondents in both W.As.



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COMMON PRAYER:- Writ Appeals filed under Clause 15 of the Letters Patent as against the order passed in WP.(MD)Nos.3822 of 2025 & 21815 of 2025 dated 13.02.2025 & 25.08.2025 respectively.

For Appellants : Mr.Veerakathiravan,
(in both W.As.) Additional Advocate General,
Assisted by,
Mr.J.Ashok,
Additional Government Pleader.

For R1 : Mr.M.S.Suresh Kumar
(in both W.As.)

For R2 & R3 : No Appearance
(in both W.As.)

JUDGMENT

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

These writ appeals have been filed challenging the order passed in WP.(MD)Nos.3822 of 2025 & 21815 of 2025 dated 13.02.2025 & 25.08.2025 respectively. Since the issue involved in these writ appeals are one and the same, the writ appeals are disposed of by this common judgment.



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2.The writ petition in WP.(MD)No.3822 of 2025 has been filed seeking a direction to the officials for issuance of patta based on the judgment of this Court in SA.(MD)No.90 of 2016 dated 01.07.2019. The writ petition in WP.(MD)No.21815 of 2025 has been filed challenging the order passed by the Tahsildar, Killiyoor Town Panchyat rejecting the request of the petitioner to issue patta in respect of the land situated in R.S.No.198/3, Killiyoor village, Killiyoor Taluk, Kanyakumar District, which has been wrongly classified as Government Poromboke pathway.

3.In the writ petition in WP.(MD)No.3822 of 2025, the learned Single Judge held that since the issue attained finality before this Court in S.A.(MD)No.90 of 2016 as early as on 01.07.2019, there can be no legal impediment for the revenue authorities to issue patta to the private respondent/writ petitioner and issued a direction to the authorities to consider the request of the private respondent/writ petitioner. In the writ petition in WP.(MD)No.21815 of 2025, the learned Single Judge set aside the order passed by the Tahsildar, Killiyoor Town Panchyat on the ground that the tile of the private respondent/writ petitioner had already been declared by the civil Court and the same had attained finality. The learned Single Judge further directed the authorities to issue patta in the



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name of the private respondent/writ petitioner in the light of the judgment in SA.(MD)No.90 of 2016.

4. According to the appellants, the subject land has been shown as pathway in the revenue records and therefore, if the patta is issued, it will affect the villagers.

5. At the outset, we are of the view that these writ appeals are nothing but abuse of process of law. The District Collector, Kanyakumari District was a party through out the civil suit in O.S.No. 204 of 2004 and he was the first defendant in the civil suit. The very suit itself has been filed for declaration, recovery of possession and permanent injunction. The suit is proceeded that the subject property was wrongly classified and the property partitioned in the family, in the year 1925. After contesting, the said suit has been decreed and reached its finality before this Court in S.A.(MD)No.90 of 2016 as early as on 01.07.2019. Therefore, once again the Officials cannot take a different stand that the subject land is a Government poromboke. We do not find any merits in these writ appeals and the same are liable to be dismissed.



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6. In the result, the writ appeals are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[N.S.K., J.] & [M.J.R., J.]
12.03.2026

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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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