



Rev.Apl.C.(MD)No.226 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.03.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Rev.Apl.C.(MD)No.226 of 2025

in

W.A.(MD)No.1253 of 2022

and

C.M.P.(MD)No.16523 of 2025

D.S.Rajeswar ... Review Applicant
(Cause title is accepted vide order dated 23.09.2025
made in C.M.P.(MD) No.13493 of 2025 in Rev.Apl.C.
(MD)No.SR59507 of 2025 by GRSJ and MJRJ.)

Vs.

1.The Principal Secretary and Commissioner
of Land Administration,
Chepauk, Chennai - 600 005.

2.The Revenue Divisional Officer,
Sivagangai District, Sivagangai.

3.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

4.D.S.K.Maduranthagi

5.R.Mageswaran ... Respondents



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Prayer: Review Application filed under Order 47 Rule 1 and 2 r/w. Section 114 of Civil Procedure Code, to review the order passed in W.A.(MD)No.1253 of 2022, dated 27.02.2025 passed by this Court and allow the writ appeal.

For Review applicant : Mr.V.Raghavachari, Senior Counsel,
For Mr.K.R.Laxman

For Respondents : Mr.T.Amjadkhan,
Govt. Advocate for R1 to R3.

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J U D G M E N T

(Judgment of the court was delivered by G.R.Swaminathan, J.)

The applicant herein filed WP(MD)No.5708 of 2010 challenging the order dated 10.02.2010 passed by the Commissioner of Land Administration rejecting his request for issuance of patta in his favour in respect of 44.09.5 hec in Survey No.63/A1 of Melavaniyangudi Village in Sivagangai Taluk. The case of the writ petitioner was that the zamindar of Sivaganga Thiru.Duraisinga Raja, the petitioner's grandfather purchased the petition mentioned property along with a larger extent vide sale deed dated 20.05.1918. He passed away in the year 1941 leaving behind his sons Shanmugaraja and Subramaniaraja.



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Shanmugaraja executed a gift deed in the year 1950 settling 215.69 acres of land in Survey No.63/1 in favour of the Secretary, Raja Duraisingam Memorial College. Subsequently, the college was taken over by the government in the year 1991. The case of the petitioner is that Shanmugaraja could have conveyed only his half share in the property covered by the 1918 sale deed. But he chose to settle the entire extent. But a road cuts across the property in the middle. While on one half, the college stands, the other half is vacant. In fact, in the revenue record, it continued to reflect the name of Sivagangai Zamindar. When Shanmugaraja's legal heir fraudulently obtained patta, the petitioner not only sought its cancellation but wanted mutation in favour of Subramaniaraja branch. Since the revenue authorities did not accede to his request for mutation in favour of Subramaniaraja branch, he moved the Commissioner of Land Administration, Chepauk, Chennai. Since the CLA negatived his request, WP(MD)No.5708 of 2010 was filed. The learned Single Judge vide order dated 09.09.2022 dismissed the writ petition. Challenging the same, WA(MD)No.1253 of 2022 was filed. But the same was dismissed by us on 27.02.2025.



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2.The question that calls for consideration is whether our order deserves to be reviewed. The learned Senior Counsel reiterated all the contentions set out in the grounds of review. But we are not swayed by his submissions. This is for more than one reason. A review cannot be argued like an appeal in disguise. Secondly, every contention now put forth before us was dealt with by us in the order dated 27.02.2025.

3.The gift was made by D.S.Shanmugaraja on 02.11.1950 in favour of the college that bore the name of Raja Duraisingam. This college was started by Shanmugaraja in the year 1947. Of course, Shanmugaraja could have gifted only his half share and not the entire 215.69 acres of land. But his brother Subramaniaraja did not include this property when he filed a partition suit in O.S No.54 of 1951. Subramaniaraja, the father of the review applicant, did not impeach the gift made by his elder brother. The petitioner included this property in the partition suit filed by him before the District Judge, Sivagangai in O.S No.3 of 2004. But the suit was dismissed for non-prosecution on 27.06.2012. The petitioner is raising a claim after a lapse of more than 50 years.



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4.That apart, the land in question is presently in government's possession and a medical college has been put up. The question of granting relief at this point of time does not arise. There is no merit in this review application and it stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (M.J.R. J.)
30.03.2026**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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of Land Administration,
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