



W.P.(MD)No.6735 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.6735 of 2017

and

W.M.P.(MD)No.5286 of 2017

1.Sudalaimuthu
2.Shivagurunathan

... Petitioners

-VS-

1.The District Revenue Officer (Incharge),
Tuticorin.

2.The Sub Collector,
Tuticorin.

3.The Revenue Thasildhar,
Srivaikundam,
Tuticorin District.

4.C.Shanmugam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorari calling for the records relating to the proceedings of the first respondent in Na.Ka.T2/23391/2016 dated 25.02.2017, regarding the property measuring 2 acres in Survey No.160/1 of Karungulam Village, Shrivaikundam Taluk, Tuticorin District and quash the same.



W.P.(MD)No.6735 of 2017

For Petitioners : Mr.R.T.Arivukumar
for Mr.N.Ga.Natraj

For R1 to R3 : Mr.M.Lingadurai
Special Government Pleader

For R4 : No Appearance

ORDER

The writ petition has been filed challenging the impugned order dated 25.02.2017. By the said order, the patta, which stood in the names of the petitioners, namely, Sudalaimuthu and Sivagurunathan, was directed to be transferred in favour of the fourth respondent, C.Shanmugam, in respect of Survey No.160/1, Karungulam Village, Srivaikundam Taluk, Thoothukudi District.

2. The case of the petitioners is that the subject property was purchased by their late father, Sankarapandian, under a registered sale deed dated 13.02.1981, bearing Document No.176 of 1981. Subsequently, Patta No.389 was issued in his name. Upon his demise intestate, the patta was mutated in favour of the petitioners and their mother. While so, on an application made by the fourth respondent before the first respondent, the impugned order came to be passed directing transfer of patta in favour of the fourth respondent.



W.P.(MD)No.6735 of 2017

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3. The case of the fourth respondent is that the said survey number originally belonged to one Chellam @ Packiyam. She created a Trust by name "Esakkiaadum Perumal Pillai Chatram Trust" and executed a settlement deed dated 08.06.1937, registered as Document No.1132 of 1937, appointing her adopted daughter, Mandhiram @ Rajamani, as the beneficiary. In the said settlement deed, it was stipulated that the property should not be alienated. It is further stated that the beneficiary executed a Will in favour of her daughter-in-law, which was registered as Document No.4 of 1977, dated 28.04.1977. The fourth respondent claims to be the grandson of Mandhiram @ Rajamani and asserts that he is presently administering the Trust.

4. According to the fourth respondent, the petitioners' father purchased the property from one Visuvasam, who in turn had purchased it from Mandhiram @ Rajamani, the grandmother of the fourth respondent, and such a transaction is impermissible in law in view of the restriction on alienation.

5. Notice was issued to the fourth respondent in the present writ petition. As the same could not be served, substituted service was ordered, and publication



W.P.(MD)No.6735 of 2017

was effected. Service is thus treated as complete, and the name of the fourth respondent is printed in the cause list. However, the fourth respondent has not chosen to appear or defend the writ petition.

6. The question as to whether the grandmother of the fourth respondent had the authority to execute the sale deed in favour of Visuvasam, and even assuming such execution as without power, after what period the same can be questioned, are all intricate issues relating to title. It is well settled that mutation of revenue records can be effected only on the basis of a valid transfer *inter vivos* or upon the death of the Pattadhar. In the absence of these conditions, the authority cannot adjudicate upon disputed questions of title. In the present case, the impugned order has been passed by venturing into such questions of title, which is impermissible in law, and hence, the same is unsustainable. Even otherwise, on a *prima facie* consideration of the claim, the case of the fourth respondent appears to be highly doubtful.

7. In view of the above, the writ petition is allowed. The impugned order dated 25.02.2017 is hereby quashed. It is open to the fourth respondent to canvass



W.P.(MD)No.6735 of 2017

the question of title before the competent Civil Court, if he so chooses. No costs.

Consequently, the connected Miscellaneous Petition is closed.

26.03.2026

NCC : No
smn2

To:-

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Tuticorin.
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W.P.(MD)No.6735 of 2017

D.BHARATHA CHAKRAVARTHY, J.

smn2

W.P.(MD)No.6735 of 2017

26.03.2026

Page 6 of 6