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**BEFORE THE MADURAI BENCH OF MADRAS HIGH
COURT**

DATED :04.03.2026

CORAM:

THE HON'BLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.16667 of 2017
and
W.M.P(MD)No.13283 of 2017

C.Gomathy

... Petitioner

.Vs.

1.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay
Kanyakumari District.

2.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai,
Kanyakumari District.

3.Pitchi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings passed by the first respondent bearing Na.Ka.A3/3910/2015, dated 11.8.2017 and quash the same and consequently direct the respondents 1 and 2 to restore the patta in



respect of S.No.1498, new S.No.543/5 situated in Kannanvilai, Pacode Post, Kanyakumari District in the name of the Petitioner.

For Petitioner : Mr.K.Samidurai

For Respondents : Mr.M.Lingadurai
1 and 2 Spl.Govt. Pleader

For Respondent-3 : Mr.C.M.Mari Chelliah Prabhu

ORDER

The Writ Petition is filed challenging the impugned order, dated 11, passed by the Revenue Divisional Officer, Padmanabhapuram. By this order, the first respondent cancelled the subdivision made in S.No.543/5 into S.Nos.543/5A, 543/5B, and 543/5C, and restored it as S.No.543/5. The order also cancelled the mutations of the patta and restored the original joint patta, leaving it open for the parties to approach the Civil Court.

2. I have heard the submissions made by Mr. K. Samidurai, learned counsel for the Petitioner, Mr. M. Lingadurai, learned Special Government Pleader appearing for respondents 1 and 2, and Mr. C. M. Mari Chelliah Prabhu, learned counsel for the third respondent.

3. This case has a complex history. The claim of the third respondent in the Writ Petition, namely Pitchi, daughter of



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Ponnumani Nadar, is summarized in paragraph No.2 of the impugned order. According to that, her mother Palammal purchased the properties in S.No.1498, now S.No.2816/1962, on 11.06.1962, and was in possession and enjoyment. Her vendor had mortgaged the said property. She filed a suit in O.S.No.425 of 1966 to clear the mortgage. On 21.11.1972, she obtained a decree in her favour and then filed an execution petition in E.P.No.658 of 1978, obtaining possession through Court Amin. After her mother's death, the third respondent and her siblings are in occupation and possession of the property measuring 0.53 acres. False documents were created concerning this property, and the mutation of the patta was carried out, which now stands in the names of the petitioners. They are paying kist in their names; therefore, it is prayed that the patta be cancelled.

4. Thus, it can be seen that on the very basis of the third respondent's case, since it is a contestation with reference to title and documents, the first respondent should have simply referred the parties to the Civil Court.

5. The contesting parties, the petitioners herein, submitted before the authority that the third respondent's father, Ponnumani Nadar, claimed rights over the same property and filed a suit for partition. In that suit, her mother was named as the eighth



defendant. After the contest, the suit was dismissed. During the first appeal, her father died. She then impleaded herself as the first appellant and continued the case. The appeal was dismissed. The second appeal by the third respondent, along with others, claiming rights regarding the suit property through her father, was dismissed on 28.04.2022. A review application filed was also dismissed on 7.11.2024. Additionally, it is pleaded that the property was previously the subject of a suit in O.S. No. 417 of 1921 (which appears to be incorrectly mentioned as 1121 in earlier proceedings). It is stated that, based on the judgment, Samuvel was in possession and enjoyment of the property. The Writ Petitioner traces her title through Samuvel. The second appeal also mentions a suit in O.S.No.199 of 1960, filed by Velayuthan Pillai regarding the same property. Further, in the original suit filed by Ponnumani Nadar in O.S.No.14 of 1980, Ex.B23 was marked on behalf of the Petitioner's side, claiming that possession of the property was delivered after the final decree in O.S.No.417 of 1921. The decree in that suit was marked as Ex.B22, and the judgment as Ex.B37.

6.Per contra, on behalf of the third respondent, Ex.B47 is claimed as proof, as the delivery list in O.S.No.425/1966. Thus it could be seen that the parties relying upon the set of judgments and other documents in support of their own case and are



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pleading before the Revenue Divisional Officer with reference to the mutation of patta. It is well-settled that the authorities need not enter into the realm of determination of title and can only mutate the patta on death or transfer or on the basis of the decree of the Civil Court.

7.In view thereof, when the impugned order rightly relegates the parties to approach the Civil Court, at the same stretch it decides the matters on merits and cancels the various subdivisions and restores the original patta. In my view, that part of the impugned order relating the parties to the Civil Court alone shall stand scrutiny and the other observations on merits and ordering cancellation of subdivisions effected and the pastas granted pursuant thereto cannot stand scrutiny.

8.In view thereof, the Writ Petition is allowed and the impugned order passed by the first respondent, dated 11.8.2017 is set aside. However, it will be open for the third respondent to approach the Civil Court for appropriate relief, if she is aggrieved by any of the false documents or mutation of revenue records. No costs. Consequently, connected Miscellaneous Petition is closed.

04.03.2026



NCS : Yes

Index : Yes

Internet : Yes

vsn

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D.BHARATHA CHAKRAVARTHY.,J.

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