



**C.M.P.(MD) No.18132 of 2025**

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

**DATED : 23.02.2026**

**CORAM:**

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN  
and  
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**C.M.P.(MD) No.18132 of 2025  
in  
W.A.(MD) SR No.87105 of 2025**

The District Revenue Officer  
O/o.The District Revenue Officer  
Thanjavur District  
Thanjavur-613 007

... Petitioner

-VS-

- 1.Banumathi
- 2.The President  
Kalyaranviduthy Village Panchayat  
Pudukottai District
- 3.The District Collector  
Thanjavur District  
Thanjavur
- 4.The District Collector  
Pudukottai District  
Pudukottai



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5.The Regional Development Officer  
Karambakudi  
Pudukottai District

... Respondents

**PRAYER:** Petition filed under Section 5 of Limitation Act to condone the delay of 384 days in filing the above writ appeal as against the order dated 21.08.2024, passed in Rev.Appl.(MD) No.148 of 2024.

For Petitioner : Mr.Veera Kathiravan  
Additional Advocate General  
assisted by Mr.S.P.Maharajan  
Special Government Pleader

For Respondents : Mr.M.Mahaboob Athiff  
for Mr.T.Eashwar for R1  
No appearance for R2  
Mr.J.Ashok  
Additional Government Pleader for R3 to R5

**ORDER**

**[Order of the Court was made by DR.G.JAYACHANDRAN, J.]**

The land comprised in Survey No.196/1 of Unjiyaviduthi Village Panchayat, Thiruvonam Taluk, Thanjavur District, classified as “தரிசு” in the revenue records is claimed by the first respondent / writ petitioner, namely, Banumathi, wife of Muthu Thangaiyan. According to her, the said land was earlier purchased by her husband from one Ayyakannu Poosari and during



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the lifetime of her husband, he settled the property in her favour. Based on the said settlement deed, she sought for mutation of the revenue records. Since under the old patta register, her husband's name i.e., Muthu Thangaiyan was wrongly entered as Thangaiah, son of Thambiyaiya Thevar, when a writ of mandamus in W.P.(MD) No.4445 of 2024 was filed by the first respondent / writ petitioner by arraying the District Collector, Thanjavur District, District Collector, Pudukkottai District, Regional Development Officer, Karambakudi, Pudukkottai District and President of Kalyaranviduthy Village Panchayat, Pudukkottai District seeking to forbear those official respondents from making any construction in the said land, the learned Single Judge, by an order dated 26.02.2024, allowed the said writ petition, on the ground that unless the patta issued is cancelled in the manner known to law, the official respondents cannot be heard to contend that it is not a private land and it is the Government land classified “தமிழ்”. So, when the said writ petition was filed, it is clear that even at that juncture, the Government had taken a plea that the land belongs to the Government and it is classified as “தமிழ்”, but during UDR, patta has been wrongly issued in the name of Thangaiyah, son of Thambiyaiya Thevar and the writ petitioner is not the wife of the said Thangaiyah, son of Thambiyaiya Thevar and she is the wife of Muthu Thangaiyan. Anyhow, the Writ Court, while allowing the writ petition, was



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focused in directing against the proposal of the Government to put up a library in that disputed land, has taken a view that since it is a private property after UDR classification, the right of the individual conferred under Article 300A of the Constitution of India cannot be taken away.

**2.** While the facts being so, the respondents in the writ petition filed a review petition in Rev.Aplc(MD) No.148 of 2024 before the Writ Court, wherein, the learned Single Judge permitted the first respondent / writ petitioner to file an appeal / revision before the District Revenue Officer, Thanjavur. The District Revenue Officer, Thanjavur, will conduct an enquiry and if he is satisfied that the documents produced by the first respondent / writ petitioner pertain to the subject property, patta shall be issued in her favour. Further, the learned Single Judge also made the following observations:

*“11. In that event, the District Revenue Officer shall also determine compensation payable to the first respondent for the land taken up for putting up the petition-mentioned branch library building. Since public interest has to outweigh private interest, the order dated 26.02.2024 made in W.P.(MD)No.4445 of 2024 is accordingly modified. The remaining works can very well be completed and the library shall also be opened*



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*for the use of the general public. The first respondent herein will only be entitled to suitable compensation for the land taken from the subject survey number. This is of course subject to the District Revenue Officer being satisfied about the petitioner's entitlement to issuance of patta for the said survey number. The District Revenue Officer, Thanjavur shall take a considered decision in this regard. He has to pose only two questions; whether the sale deed dated 04.06.1969 (document No. 752/1969) pertains to the subject survey number and if so, whether the purchaser namely, Muthu Thangaiya is the husband of the first respondent. The learned counsel for the first respondent states that he will will an appeal within a period of two weeks from the date of receipt of a copy of this order. The District Revenue Officer, Thanjavur shall dispose of the said appeal by bearing in mind the observations made above within a period of eight weeks, thereafter. This review application is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.”*

**3.** The District Revenue Officer, Thanjavur, as directed in Paragraph No.10 of the order passed in the review petition, appears to have passed an order on 09.05.2025 declining the request of the writ petitioner Banumathi. Meanwhile, the said Banumathi filed a contempt petition before



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the learned Single Judge in Cont.P.(MD) No.2013 of 2025, wherein, the learned Single Judge, vide order dated 18.08.2025, ordered statutory notice to the contemnors, since they had not complied with the order passed by the learned Single Judge directing them to issue order within a period of one week. In such circumstances, the State has preferred the present writ appeal with a delay of 384 days.

4. Learned Additional Advocate General appearing for the petitioner herein submitted that after passing orders in the review petition, the District Revenue Officer taken up the matter and passed necessary orders on 09.05.2025. Despite the same, the contempt petition was entertained by the learned Single Judge and the Government was forced to withdraw the order of the District Revenue Officer dated 09.05.2025. Further, giving a narrow meaning to his order in Paragraph No.11 of the order passed in the review petition, contrary to Paragraph No.10, the learned Single Judge, while considering the contempt petition, has expressed that the Government is permitted to test the documents produced by the writ petitioner and verify whether Muthu Thangaiya is the husband of the writ petitioner Banumathi and they should not go beyond that.



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**5.** While the dispute is predominantly with regard to the classification of the property and whether patta issued in the name of Muthu Thangaiya is valid and if so, whether the said Banumathi is the wife of the said Muthu Thangaiya are all facts inter-connected to each other, the learned Single Judge has taken a view that the State, through the Revenue Department, should not go beyond testing the fact whether the said Banumathi is the wife of Muthu Thangaiya or not. We find that the State ought to have preferred an appeal if they are aggrieved by that portion of the order, soon after the order passed, but they have waited till the contempt petition was filed. However, in obedience of the Court order, the District Revenue Officer passed an order on 09.05.2025. It is represented that the said order has now been withdrawn on compulsion.

**6.** Be that as it may, the reason for the delay of 384 days in filing the above writ appeal is explained through the narrations as stated above. In view of the same, though counter has been filed by the first respondent / writ petitioner opposing the delay condonation petition, we are of the view that the first respondent / writ petitioner, by initiating contempt proceedings and not challenging the order dated 09.05.2025, passed by the District Revenue Officer, had diverted the focus of the State and the reason for the delay as



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explained in Paragraph No.(viii) of the affidavit of the petitioner herein dated 03.01.2026 is that the delay from 10.05.2025 to 15.09.2025 was caused due to the ongoing contempt proceedings before the learned Single Judge in Cont.P.(MD) No.2013 of 2025. Hence, we are convinced that this is a matter where we have to interfere both on law and facts and therefore, we are inclined to condone the delay.

**7.** Accordingly, this civil miscellaneous petition is allowed and the delay of 384 days in filing the above writ appeal is condoned.

**8.** Registry is directed to number the writ appeal, if the papers are otherwise in order, and post the same for admission on 24.02.2026.

**[G.J., J.]**

**[K.K.R.K., J.]**

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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O/o.The District Revenue Officer,  
Thanjavur District,  
Thanjavur-613 007.
- 2.The District Collector,  
Thanjavur District,  
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- 3.The District Collector,  
Pudukottai District,  
Pudukottai.
- 4.The Regional Development Officer,  
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