

WP(MD).No.13414 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 18.02.2026

ORDER PRONOUNCED ON : 23.02.2026

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD).No.13414 of 2025

Naganathan

....Petitioner

Vs

1.The District Revenue Officer
District Collectorate
Virudhunagar

2.The Revenue Divisional Officer
Aruppukottai
Virudhunagar District

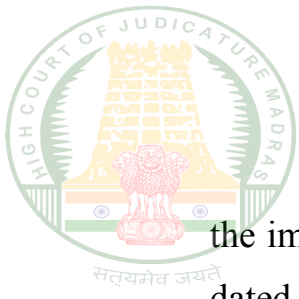
3.The Thasildar
Aruppukottai Taluk Office
Aruppukottai
Virudhunagar District

4.The Deputy Thasildar
Aruppukottai Taluk Office
Aruppukottai
Virudhunagar District

5.Kasthuri

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to



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the impugned order passed by the first respondent in Ni.Mu.Aa2/40504/2022 dated 04.04.2025 and second respondent vide his proceedings in No.Pa.Mu.Aa1/8653/2021 dated 30.08.2022 and quash the same as illegal and consequently direct the first respondent to issue patta in the petitioner's name in respect of the Survey Nos.40/6B2B and 40/6B2C and consequently direct the first respondent to subdivide the property in survey No.40/6B2A is situated at Mandapasalai Revenue Village, Aruppukottai Taluk, Virudhunagar District.

For Petitioner : Mr.P.Naganathan
Party-in-person

For Respondents :Mr.M.Gangatharan
Government Advocate for R1 to R4

:Mr.S.Louis for R5

ORDER

The present writ petition has been filed challenging the order passed by the first respondent on 04.04.2025 confirming the order passed by the second respondent dated 30.08.2022 wherein and whereunder the request of the petitioner for issuance of patta in respect of Survey No.40/6B2B and 40/6B2C has been rejected. Further the writ petitioner has prayed for a mandamus to direct the first respondent to subdivide the property in Survey No.40/6B2A situated at Mandapasalai Revenue Village, Aruppukottai Taluk, Virudhunagar District.



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(A).Factual Matrix:

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2. According to the petitioner, the properties in Survey Nos.40/6B2A, 40/6B2B and 40/6B2C originally belonged to one P.A.S.Shanmuga Sundaram Nadar. As per the case of the petitioner, 10 cents in Survey No.40/6B was purchased by his father through a registered sale deed dated 22.09.1997. On the same day, one Geetha had purchased 10 cents from the same survey number through the sale deed No.1419/1997.

3. It is further contended on the side of the petitioner that in Survey No.40/6B for an extent of 7 cents was purchased by the petitioner's father from the said Geetha through a registered sale deed dated 19.09.1999. Thereafter, patta for an extent of 0.09 ares was mutated in the name of the petitioner's father for Survey No.40/6B2 in Patta No.1832. It is further contended by the petitioner that in respect of an extent of 0.09 area in Survey No.40/6B2, his father has executed a registered settlement deed in his favour on 15.06.2018. Thereafter, the petitioner's father's survey number namely 40/6B2 having an extent of 0.00.85 acres and 0.01.53 ares respectively were subdivided and patta were issued in the name of the petitioner in Patta Nos. 3629 and 3630 respectively. The petitioner further contends that he has put up building in Survey No.40/6B2B and his house is situated in another Survey No.40/6B2C and he is paying necessary tax to the Government.



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4.The petitioner further claims that in respect of Survey No.40/6B2A having an extent of 0.06.62 ares, his father has executed a registered Will in his favour and in favour of his brother's sons on 17.12.2018. Thereafter, the petitioner's father is said to have passed away on 29.03.2019. According to him, after death of his father, the Will has come into force and in respect of his share, the petitioner had made online application on 22.01.2020 before the third respondent for issuance of patta. However, the petitioner received a mobile message on 12.12.2020 that his request has been rejected without assigning any valid reason.

5.The petitioner had further contended that aggrieved over this message, he had made a complaint to the District Collector, Virudhunagar on 15.02.2021 for issuance of patta in his name. In such circumstances, the petitioner is said to have received summon from the second respondent on 24.01.2022 to appear for an enquiry on 17.02.2022. According to him, since he has not made any application to the second respondent, he had sent a reply to the second respondent that he had not made any application. However, he received another summon from the second respondent on 12.07.2022 to appear for an enquiry on his patta appeal. In the said notice, name of the fifth respondent was found, whose husband is a Village Administrative Officer. In view of the said influence, the request was rejected by the second respondent by way of proceedings dated 30.08.2022.



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6.The petitioner further stated that he had preferred a revision petition before the first respondent and according to him, the first respondent has also passed an order on 04.04.2025 rejecting his appeal. Hence, the present writ petition.

(B).Submissions on either side are as follows:

7.The petitioner who had appeared party-in-person had submitted that when he had not made any application to the second respondent, it is not known how the second respondent has chosen to issue summon to him. This could have happened only due to the interference of the husband of the fifth respondent who was working as Village Administrative Officer. He was not provided with proper opportunity either by the first respondent or by the second respondent in conducting the proceedings.

8.Per contra, the learned counsel appearing for the fifth respondent had submitted that the fifth respondent had filed O.S.No.212 of 2023 before the Sub Court, Aruppukottai in which the writ petitioner is arrayed as the first defendant. The said suit has been filed for the relief of declaration of title, recovery of possession, mandatory injunction and permanent injunction with regard to 'A' schedule property.

9.According to the learned counsel for the fifth respondent, in the said suit, the order of the Revenue Divisional Officer dated 30.08.2022 has been relied upon by the fifth respondent in support of her case. The learned



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counsel had further submitted that the first respondent has disposed of the appeal only on the ground that the issue is pending before the competent civil Court, the issue relating to grant of patta in favour of the writ petitioner could be considered depending upon the outcome of the civil suit. Therefore, the order impugned in the writ petition may be sustained.

10.I have considered the submissions made on either side and perused the material records.

(C).Discussion.

11.The writ petitioner herein claims title to an extent of 0.09.0 ares extent of land in Survey No.40/6B2 in Patta No.1832 on the basis of the registered Will said to have been executed by the petitioner's father on 17.12.2018. Based upon the said Will, the petitioner has approached the third respondent seeking patta. The said request has been rejected by the third respondent on 12.12.2020. According to the petitioner, who is appearing party-in-person, he has not preferred any appeal to the second respondent and therefore, the entertainment of the alleged appeal by the second respondent is at the instance of the fifth respondent. This Court has directed the production of the original records to find out whether any appeal was preferred by the writ petitioner before the second respondent. It could be seen from the records that the petitioner had lodged a complaint before the District Collector with regard to the rejection of the request of patta which has been



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forwarded to the Revenue Divisional Officer. Thereafter, the petitioner has also preferred an appeal to the RDO. Therefore, the contention of the petitioner that he had not preferred any appeal before the second respondent is not factually correct.

12.The fifth respondent claims title to Survey No.40/6B to an extent of 5 cents on the western side based upon the sale deed in favour of her father-in-law (P.Pitchai) dated 09.08.1999. According to her, her father-in-law has executed a settlement deed in favour of her husband on 26.11.2013 which has been settled in her favour by her husband on 06.12.2013. Therefore, it is clear that the fifth respondent also claims title to Survey No.40/6B.

13.A perusal of the plaint in O.S.No.212 of 2023 on the file of the Sub Court, Aruppukottai reveals that Survey No.40/6B is shown as suit 'A' schedule property. As per plaint averments, the first defendant (writ petitioner herein) has encroached upon the same. The fifth respondent herein had prayed for declaration of title, recovery of possession and mandatory injunction. Therefore, it is clear that there is a serious title dispute between the petitioner and the fifth respondent and the same is pending before the competent civil Court.

14.A perusal of the order passed by the appellate authority namely the first respondent clearly reveals that since the civil suit is pending, the



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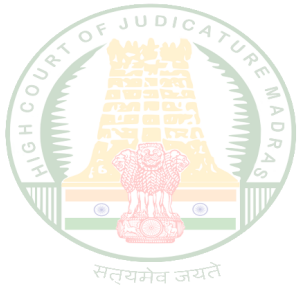
petitioner has to await for the orders of the civil Court. A perusal of the plaint reveals that the plaintiff therein (fifth respondent herein) had relied upon the order passed by RDO dated 30.08.2022. Therefore, it is clear that the petitioner has chosen to challenge the order of the second respondent and the order of the first respondent only to strengthen his case before the civil Court. In such circumstances, this Court is of the considered opinion that the civil Court shall decide the title dispute between the parties irrespective of the orders passed in the patta proceedings.

15.In such view of the matter, any order passed by this Court in this writ petition, which arises out of patta proceedings, is likely to affect the rights and contention of the parties before the competent civil Court. Therefore, this Court is not inclined to entertain the writ petition. It is needless to point out that the competent civil Court should adjudicate upon the issue without being influenced by any one of the observations by the revenue officials or by this Court. Based upon the civil Court decree, the petitioner can approach the revenue officials.

(D).Conclusion:

16.This writ petition stands dismissed with the above said observations. No costs.

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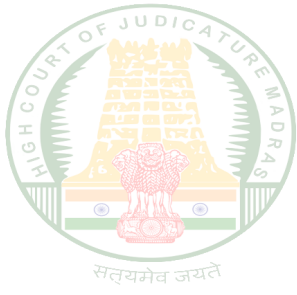
To

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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

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