WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Orders Reserved On : 29.10.2026

Orders Pronounced On : 18.11.2026

CORAM

THE HON'BLE MR. JUSTICE K.KUMARESH BABU

WP(MD) Nos. 1760 of 2024 and 7620 of 2025
CNR:{HCMD010338942025}
and
WMP(MD) Nos.1793 of 2024
and
5774 and 5777 of 2025

WP(MD) No. 1760 of 2024:

1. N.Velu
   S/o. Nainan

2. K.Chandra
   W/o. Kanagu

3. K.Ravichandran
   S/o. Kanagu

4. K.Balu
   S/o. Kanagu

5. K.Ilangovan
   S/o. Kanagu

6. Selvi
   D/o. Kanagu

7. Santhi
   D/o. Kanagu

..Petitioner(s)

Vs

1. The District Collector,
   Collector Office,

https://www.mhc.tn.gov.in/judis
(Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

Pudukkottai,
Pudukkottai District.

2. District Revenue Officer,
District Revenue Office,
Pudukkottai,
Pudukkottai District.

3. The Tasilhdar,
Taluk Office,
Ponnamaravathi,
Pudukkottai District.

4. Thenammai Achi,
W/o. Late Adaikappa Chettiyar,
Represented by her Power Agent,
A. Ramanathan

5. Ananth
S/o. Muthaihya

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 01.12.2023 in Ni.Mu.Aa4/5327/2022 passed by the 2nd respondent and quash the same.

For Petitioner(s) : Mr.B.Rajesh Saravanan

For Respondent(s) : Ms.M.R.Priyanka Jothi
Government Advocate
for RR1 to 3

Mr.B.Jameelarasu
for RR4 & 5

https://www.mhc.tn.gov.in/judis (Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

WP(MD) No. 7620 of 2025:

N. Velu
S/o.Nainan

..Petitioner(s)

Vs

1. The District Collector,
   Collector Office,
   Pudukkottai,
   Pudukkottai District.

2. The Tashildar,
   Taluk Office,
   Ponnamaravathi,
   Pudukkottai District.

3. The Taluk Land Surveyor,
   Taluk Office,
   Ponnamaravathi,
   Pudukkottai District.

4. The Superintendent of Police,
   Office of the Superintendent of Police,
   Pudukkottai, Pudukkottai District.

5. The Inspector of Police,
   Ponnamaravathi Police Station,
   Ponnamaravathi, Pudukkottai District.

6. Thenammai Achi,
   W/o.Late.Adaikappa Chettiyar,
   Represented by her Power Agent,
   A.Ramanathan.

..Respondent(s)

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 record relating to the impugned Notice in A.Ko.Ma.359/2025/S dated 11.03.2025 passed by the 3rd Respondent and quash the same and thereby directing the 1st to 5th respondents not to

https://www.mhc.tn.gov.in/judis (Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

survey the property admeasuring 1.04 Acres of land situated at Survey No.652 of Ponnamaravathi Village West, Ponnammaravathi Taluk, Pudukkottai District till final disposal of the writ petition W.P.(MD).No.1760 of 2024 pending before this Court.

For Petitioner(s) : Mr.B.Rajesh Saravanan

For Respondent(s) : Mr.M.R.Priyanka Jothi
Government Advocate (Civil Side)
for RR1 to 3

Mr.I.Murugesan
Counsel for State of Tamil Nadu
(Crl. Side) for RR4 & 5

Mr.B.Jameelarasu
for R6

COMMON ORDER

1.1. W.P.(MD) No.1760 of 2024 has been filed challenging the order dated 01.12.2023 passed by the second respondent *viz*., the District Revenue Officer, Pudukkottai, in and by which the second respondent had dismissed the revision petition filed by the petitioners, affirming the order of the Special Deputy Collector (Revenue Court), Trichirappalli.

1.2. W.P.(MD) No.7620 of 2025 has been filed challenging the notice dated 11.03.2025 issued by the third respondent *viz*., the Taluk Land Surveyor, Ponnamaravathi, Pudukkottai District.

https://www.mhc.tn.gov.in/judis (Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

2.1. Learned counsel appearing for the petitioners would submit that as early as in the year 1971, the petitioners' predecessors were recorded as the cultivating tenants, on the consent given by the land owners. The same came to be challenged by one Thenammai Achi/4th respondent in W.P.(MD) No.1760 of 2024, who is also the 6th respondent in W.P.(MD) No.7620 of 2025 by way of appeal along with a condone delay application to condone the delay of 16,982 days. That apart, the said Thenammai Achi had also instituted a suit for permanent injunction restraining the defendants from interfering with the physical possession and enjoyment of the property and the suit came to be dismissed for default. The appeal filed by Thenammai Achi came to be allowed without awaiting the decision of the civil Court. It was also further held that when the property was sold under Court auction, the owners, who suffered such orders, could not have given consent and hence, the names of the petitioners as cultivating tenants were directed to be removed from the registry. A challenge to the same before the second respondent also came to be negatived on the same erroneous findings, affirming the order passed in the appeal.

2.2. He would submit that the owners, who had given consent in the said proceedings were never made as a party in the appeal

https://www.mhc.tn.gov.in/judis (Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

proceedings and in that regard, he would submit that the order passed by the authority, wherein the owners who had given the consent while recording the original tenancy, is wholly *non-est* and on that ground itself, the impugned order is liable to be set aside.

2.3. He would further submit that nearly after 46 years, the registry was sought to be rectified by the private respondents, which would mean that they have acquiesced the petitioners' right as a cultivating tenants and in that regard, he would submit that the impugned order also suffers from illegality. After the orders are passed in the appeal, the private respondents have also not prosecuted the suit and the suit came to be dismissed for default and this aspect was not considered by the revisional authority *viz*., the second respondent. Hence, he seeks the indulgence of this Court.

3.1. Countering his arguments, the learned counsel appearing for the private respondents would submit that the property of which the petitioners' predecessors-in-interest were recorded as cultivating tenants was subject matter of a Court auction in an execution petition as early in the year 1960 whereunder, the predecessors-in-interest of the private respondents had purchased the property and on and from that date, they

https://www.mhc.tn.gov.in/judis (Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

had been in possession and enjoyment of the said property. It was only when the petitioners attempted to interfere with the possession of the property that they came to know that their names had been recorded as cultivating tenants, pursuant to an order passed on the basis of the consent given by the judgment-debtors in the execution proceedings, wherein the property had been brought to sale and purchased by the predecessors-in-interest of the petitioners.

3.2. He would submit that the said order had been fraudulently obtained and in that regard, he would submit that there are not necessity even to seek to condone the delay. But however, as a precaution, such application was taken and was allowed by the Special Deputy Collector (Revenue Court), Trichirappalli. The same came to be challenged by the petitioners in C.R.P.(MD) No.56 of 2021 before this Court and pending the same, since the appeal itself was disposed of, granting liberty to the aggrieved persons, the civil revision petition came to be dismissed as infructuous.

3.3. He would submit that as the original order of the year 1971 was obtained by fraud, the order *ex-facie* is a *void* order and in that regard, such orders could be challenged in appeal and the delay in such

https://www.mhc.tn.gov.in/judis (Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

circumstances cannot also be put against the private respondents. He would submit that the District Revenue Officer, Pudukottai and the Special Deputy Collector (Revenue Court), Trichirappalli had carefully analysed the facts of the case and found that the consent given by the alleged owners was much after the property that had been sold in auction and therefore, have held that recording of tenancy of the petitioners in respect of the private respondents' property, which they had purchased in the auction, is a *void* order and had rightly directed deletion of the record of tenancy, which was made in the year 1971. Hence, he would submit that there is no error apparent on the part of the said officials and prays this Court to dismiss the writ petition.

4. I have considered the submissions made by the learned counsel on either side and carefully perused the material placed on record.

5. A primordial contention has been raised that the claim of the private respondents in filing the appeal in 2018 challenging the records of tenancy made in the year 1971 was a time barred claim and the private respondents had acquiesced in the record of tenancy. To substantiate that the petitioners had been in possession of the property and had been cultivating the same, they had not produced any revenue records in that

https://www.mhc.tn.gov.in/judis (Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

regard. However, the private respondents had substantiated that the predecessors-in-interest, being the successful bidders in execution proceedings had purchased the properties and revenue records have also been mutated in their favour. The sale in favour of the predecessors-in-interest of the private respondents was made in the execution proceedings as early as in the year 1960. The judgment-debtors in the said execution proceedings had given their consent in the year 1971 for recording the names of the predecessors-in-interest of the petitioners as cultivating tenants. On the date on which they purportedly gave their consent, they were not the owners of the property and appear to have merely created a third-party interest with a view to thwart the execution proceedings, and such record of tenancy is nothing short of a fraud that had been played on the authorities in entering the name of the petitioners' predecessors as cultivating tenants. The judgment debtors had surreptitiously granted their consent for recording of tenancy of the petitioners' predecessors-in-interest. Such a consent given is wholly immaterial, as they are not the owners of the land on the date of record of tenancy. In such an event, it would only be safely presumed that there has been a clear fraud played on the authority.

https://www.mhc.tn.gov.in/judis (Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

6. It is well settled principles of law that when an order had been obtained by fraud, it is a nullity. That apart, as noted *supra*, the petitioners have also failed to produce any revenue records, whereas the private respondents have placed on record patta that have been issued in their favour, which would substantiate that they continued in possession. Having kept in dark of record of tenancy and the petitioners have also failed in producing any revenue records to substantiate that they were cultivating the lands, this Court is of the view that to challenge an order which had been obtained by fraud, thereby a nullity, there is no necessity even to take an application to condone the delay. Even without such application, an appeal could have been entertained. The Special Deputy Collector (Revenue Court), Trichirappalli also considering that there was substantial reasons for condoning the delay, had condoned the delay and also on merits finding that the consent was a *non-est* consent, had directed rectification of registry where the petitioners' predecessors-in-interest have been recorded as cultivating tenants.

7. In that regard, this Court also finds no error or infirmity in the orders passed by the Special Deputy Collector (Revenue Court), Trichirappalli and the District Revenue Officer, Pudukkottai, which

https://www.mhc.tn.gov.in/judis (Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

require no interference by this Court. In such view of the matter, the challenge to the survey notice also would have to fall.

8. In fine, these writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ABR

https://www.mhc.tn.gov.in/judis
(Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

To

1. The District Collector,
   Collector Office,
   Pudukkottai,
   Pudukkottai District.

2. The District Revenue Officer,
   District Revenue Office,
   Pudukkottai,
   Pudukkottai District.

3. The Tasilhdar,
   Taluk Office,
   Ponnamaravathi,
   Pudukkottai District.

4. The Taluk Land Surveyor,
   Taluk Office,
   Ponnamaravathi,
   Pudukkottai District.

5. The Superintendent of Police,
   Office of the Superintendent of Police,
   Pudukkottai, Pudukkottai District.

6. The Inspector of Police,
   Ponnamaravathi Police Station,
   Ponnamaravathi, Pudukkottai District.

https://www.mhc.tn.gov.in/judis (Uploaded on: 19/11/2026 03:00:09 pm)

WEB COPY

K.KUMARESH BABU, J.
ABR

Order made in
WP(MD) Nos. 1760 of 2024
and 7620 of 2025

18-11-2026
(2/2)

https://www.mhc.tn.gov.in/judis
(Uploaded on: 19/11/2026 03:00:09 pm)