



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition (MD)No.879 of 2015

Rajakumar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchendur,
Thoothukudi District.

2.Natesan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice Na.Ka.A3/5900/2005 dated 20.12.2014 of the 1st respondent and to quash the same and consequently forebear the 1st respondent from adjudicating any appeal or application received from the 2nd respondent in respect of Survey No.302/1A to an extent of 9 cents situated at Udangudi Village Tiruchendur Taluk Thoothukudi District in violation of Section 10 & 12 of Tamil Nadu Patta Pass Book Act 1983 and Rule 4 (4) of Tamil Nadu Patta Pass Book Rules 1983.

For Petitioner : Mr.F.Deepak

For 1st Respondent : Mr.S.Chandrasekar, Government Advocate.

O R D E R

The present writ petition has been filed seeking to quash the proceedings dated 20.12.2014.

2.According to the petitioner, the Revenue Divisional Officer has called upon the petitioner to participate in the enquiry. According to him, the authority has no jurisdiction to entertain an application to cancel the entry in the revenue records. In support of his submission, he relied upon an unreported decision of this Court dated 18.08.2014 made in W.P(MD)No.13545 of 2014.

3.Learned Government Advocate would contend that it is only appeal which has been made to the appellate authority namely, the Revenue Divisional Officer and the appellate authority in turn sent a notice. Therefore, it is for the petitioner to approach the authority concerned and to convince the authority and at this stage, the writ petition is not maintainable.

4.Heard the learned counsel on either side and perused the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The fact that the third party has filed an appeal before the appellate authority namely, the Revenue Divisional Officer, regarding



cancellation of patta and the authority has also in turn sent notice calling upon the petitioner to participate in the enquiry proceedings. In similar circumstances, this Court by an order dated 18.08.2014 made in W.P(MD)No.13545 of 2014 passed the following order:

"7.In the light of the above, the writ petition is disposed of directing the petitioner to place a detail objection before the first respondent enclosing copies of the plaint as well as any orders that have been passed in the pending civil suit and other records and raise all objections both factual and legal. If such representation is submitted, the first respondent shall enquire into the matter after issuing notice to the petitioner and the second respondent. It is needless to say that if the question of title is pending before the civil Court, such disputed question cannot be adjudicated by the revenue authorities. The first respondent while examining the petitioner's objections shall bear in mind the above legal proceedings. No costs. Consequently, the connected miscellaneous petitions are closed".

6.Therefore, even as per the above decision, if at all the petitioner has got any grievance, the petitioner shall appear before the authority and file objections if any and the authority shall consider the same while passing appropriate orders.

7.With the above observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To
The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchendur,Thoothukudi District.

+1cc to Spl.Govt.Pleader, Sr.No.3613

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