BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.02.2017
CORAM :
**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

Writ Petition(MD)No.1307 of 2011
and
M.P(MD)Nos.1 and 2 of 2011

D.Dhasan ... Petitioner

Vs.

1.The Tahsildar (Patta)
Sivakasi,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sivakasi.

3.R.Kalavathi @ Ramalakshmi ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the Impugned Order of the 2nd respondent in his proceedings in Na.Ka.A1/6677/2009 dated 21/07/2010 and to quash the same.

For Petitioner : Mr.S.Saji Bino
For Respondents 1&2 : Mr.Aayiram K.Selvakumar, Government Advocate
For 3rd Respondent : Mr.S.Loganathan

**ORDER**

Under Section 10 of the Tamil Nadu Patta Passbook Act, 1983 the Tahsildar is the competent authority to carry out any modification of entries in the patta passbook. Section 12 of the Patta Passbook Act, 1983 provides for an appeal against the order passed by the Tahsildar under Section 10. Rule 14 of the Tamil Nadu Patta Passbook Rules, prescribes the Revenue Divisional Officer as the appellate authority against any order passed by the Tahsildar under Section 10 of the Patta Passbook Act, 1983. In this background, the petitioner has challenged the proceedings of the Revenue Divisional Officer stating that the Revenue Divisional Officer has no power to carry out modification in the patta passbook as evidenced in the impugned order challenged in the present writ petition.



2.On a perusal of the impugned order, it is seen that the Revenue Divisional Officer had only acted as an appellate authority against the order of the Tahsildar and while cancelling the patta granted in favour of the petitioner had remanded back the issue to the Tahsildar for fresh consideration after due enquiry.

3.As such, the petitioner's submission that the Revenue Divisional Officer is not empowered to carry out the corrections in the patta passbook is incorrect. Nevertheless since the Revenue Divisional Officer had only remanded the matter back to the Tahsildar for fresh consideration, no prejudice would be caused to the petitioner, if he is directed to participate in the enquiry.

4.Learned counsel appearing for the third respondent submitted that they are the original owners of the property and are entitled for patta in their favour.

5.Since the issue is now to be decided by the Tahsildar afresh, it would not be appropriate for me to comment on the title of the respective parties in this writ petition. Accordingly, I do not find any merits to interfere with the impugned order passed by the Revenue Divisional Officer and hence, the writ petition stands dismissed. However, the petitioner is granted liberty to make a fresh application ventilating his grievance and on receipt of such application, the first respondent shall conduct an enquiry as contemplated under Section 10 of the Tamil Nadu Patta Passbook Act, 1983, after giving due opportunity to the petitioner as well as the third respondent and to any other persons who may be interested in the subject lands comprised in S.No.1270/3, measuring 2 acres 80 cents in Keelathiruthangal Village, Sivakasi Taluk and pass orders, in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2011 are closed.

Sd/-
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To
1.The Tahsildar (Patta)
Sivakasi,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sivakasi.

+1cc to Spl. Govt. Pleader, SR.No:5973

sms
AE/JM/13.02.2017/2P/4C

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