



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN**

W.P. (MD) Nos. 15735 of 2017 and 1327 of 2018  
and

W.M.P. (MD) Nos. 12445 of 2017 and 1404 to 1407 of 2018

**W.P. (MD) No. 15735 of 2017:**

M. Prabakaran

Rep. by his Power Agent Suriya Prakash

... Petitioner

**-Vs-**

1. The District Collector,  
Madurai District,  
Madurai.

2. The Revenue Divisional Officer,  
Madurai.

3. The Tahsildar,  
Madurai East Taluk,  
Y. Othakadai,  
Madurai.

4. The Sub Registrar,  
Thamaraipatti,  
Registration Department,  
Y. Othakadai,  
Madurai.

5. Senthilkumari

6. Prema Chellaiya

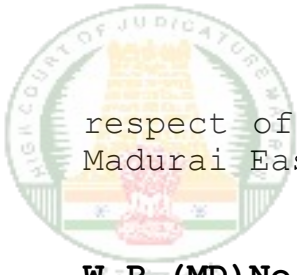
Rep. by Power Agent R. Ponraj

7. The Revenue Divisional Officer,  
Melur.

... Respondents

(R7 is *suo motu* impleaded vide Court order dated 07.02.2018 by this Court)

**Prayer in W.P. (MD) No. 15735 of 2017:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari Mandamus, calling for the records relating to the proceedings of the second respondent made in Na. Ka. No. 7490/2015/N, dated 01.08.2016 and quash the same and consequently direct the respondents 1 to 3 to restore the patta in



respect of Survey Nos.55/1B, 57/1A and 57/5A, Nayakanpatti Village, Madurai East Taluk, Madurai District, in the name of M.Prabakaran.

**W.P.(MD)No.1327 of 2018:**

Prema Chellaiya

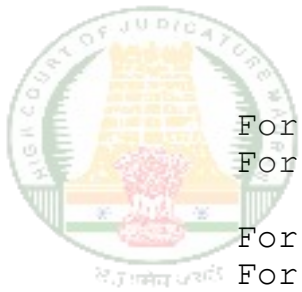
... Petitioner

**-Vs-**

1. The District Revenue Officer,  
Madurai District,  
Madurai.
2. The Revenue Divisional Officer,  
Melur Division,  
Y.Othakadai,  
Madurai District.
3. The Tahsildar,  
Madurai East Taluk,  
Y.Othakadai,  
Madurai.
4. The Sub Registrar,  
O/o.Thamaraipatti Sub Registration Office,  
Thamarapatti,  
Madurai District.
5. The Zonal Deputy Tahsildar,  
Madurai East Taluk,  
Y.Othakadai,  
Madurai District.
6. The Village Administrative Officer,  
Nayakanpatti Village,  
Alagar Kovil Road,  
Madurai.
7. M.Prabhakaran
8. Suriyaprakash
9. M.Petchimuthu
- 10.M.Ganesapandi

... Respondents

**Prayer in W.P.(MD)No.1327 of 2018:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned order made by the third respondent in his proceedings in Na.Ka.No.5709/2016/E3 dated 04.10.2017 and quash the same as illegal.



For Petitioner : Mr.R.Murali  
For R1 to R4 : Mr.M.Rajarajan,  
Government Advocate  
For R5 : No Appearance  
For R6 : Mr.V.Nirmal Kumar  
in W.P.(MD)No.15735 of 2017  
For Petitioner : Mr.Niranjan Kumar  
For R1 to R6 : Mr.M.Rajarajan,  
Government Advocate  
For R7 to R10 : No Appearance  
in W.P.(MD)No.1327 of 2018

### COMMON ORDER

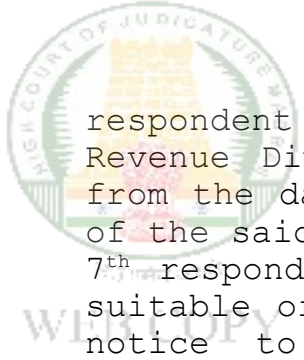
The writ petition has been filed, challenging the order passed by the second respondent / Revenue Divisional Officer, Madurai in an appeal filed by the 6<sup>th</sup> respondent.

2.According to the petitioner, earlier, based on the application given by the petitioner, the patta was granted in favour of the petitioner by the third respondent / Tahsildar, Madurai East Taluk. Subsequently, challenging the order of granting patta, the 6<sup>th</sup> respondent has filed an appeal before the Revenue Divisional Officer, Madurai, who is arrayed as second respondent in the writ petition. In the mean time, with effect from 27.02.2016, the new revenue Division was created at Melur as per G.O.(Ms)No.67, Revenue Administration Department, dated 09.02.2016 and as per the above Government Order, the area, for which the patta has been granted, is comes under the jurisdiction of Revenue Divisional Officer, Melur. But subsequent to that, by an order dated 01.08.2016, the Revenue Divisional Officer, Madruai passed the impugned order cancelling the patta granted in favour of the petitioner. Now, challenging the same, this writ petition has been filed.

3.I have heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the 6<sup>th</sup> respondent and also perused the materials available on record carefully.

4.Admittedly, with effect from 27.02.2016, the area, for which the disputed patta issue, comes under the jurisdiction of the Revenue Divisional Officer, Melur. In the said circumstances, the second respondent / Revenue Divisional Officer, Madurai, has no power to pass orders on the appeal filed by the sixth respondent and the second respondent after formation of new revenue division ought to have sent the appeal to the Revenue Divisional Officer, Melur.

5.In the above circumstances, since the order has been passed without jurisdiction, I am inclined to set aside the order without going into the merits of the case. Accordingly, the order passed by the second respondent is set aside and the second



respondent is directed to transfer the appeal to the file of the Revenue Divisional Officer, Melur, within a period of four weeks from the date of receipt of a copy of this order. On transferring of the said appeal, the Revenue Divisional Officer who is arrayed as 7<sup>th</sup> respondent herein is directed to consider the appeal and pass suitable orders on merits and in accordance with law, after giving notice to the petitioner as well as the 6<sup>th</sup> respondent as expeditiously as possible.

6. With the above observation and direction, W.P.(MD) No.15735 of 2017 is disposed of. In view of the order passed in W.P.(MD) No.15735 of 2017 setting aside the order passed by the Revenue Divisional Officer, Madurai, the impugned order dated 04.10.2017 passed by second respondent is set aside. Accordingly, W.P.(MD) No.1327 of 2018 is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

**To**

1. The District Collector,  
Madurai District,  
Madurai.
2. The Revenue Divisional Officer,  
Madurai.
3. The Tahsildar,  
Madurai East Taluk,  
Y.Othakadai,  
Madurai.
4. The Sub Registrar,  
Thamaraipatti,  
Registration Department,  
Y.Othakadai,  
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5. The District Revenue Officer,  
Madurai District,  
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6. The Revenue Divisional Officer,  
Melur Division,  
Y.Othakadai,  
Madurai District.



7. The Zonal Deputy Tahsildar,  
Madurai East Taluk,  
Y.Othakadai,  
Madurai District.

8. The Village Administrative Officer,  
Nayakanpatti Village,  
Alagar Kovil Road,  
Madurai.

+ 1 CC TO Mr.NIRANJAN S.KUMAR, ADVOCATE IN SR No. 46956  
+ 1 CC TO Mr.V.NIRMAL KUMAR, ADVOCATE IN SR No. 46957  
+ 1 CC TO Mr. R.MURALI, ADVOCATE IN SR No. 47057  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 47264

MYR

TE/SV-MMS/SAR-2 : 28/02/2018 : 5P/13C

W.P.(MD)Nos.15735 of 2017 and 1327 of 2018 and  
W.M.P.(MD)Nos.12445 of 2017 and 1404 to 1407 of 2018  
07.02.2018