



W.P.No.14631 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.14631 of 2016 and
WMP.No.12795/2016

A.Periyasamy

.. Petitioner

Vs.

1.The District Revenue Officer,
Perambalur District,
Perambalur.

2.The Revenue Divisional Officer,
Perambalur Revenue Division,
Perambalur.

3.The Tahsildar,
Perambalur Taluk,
Perambalur.

4.Mohan

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying of issuance of Writ of Certiorari to call for the records relating to the impugned order dated 27.11.2015 made in Na.Ka.No.A2/ 15908/ 2010 passed by the 1st Respondent and to quash the same.

For Petitioner : Mr.T.Seenivasan

For RR1 to 3 : Mr.U.Baranidharan
Additional Government Pleader



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ORDER

The petitioner has filed this petition for issuance of writ of Certiorari to call for the records relating to the impugned order dated 27.11.2015 passed by the 1st Respondent and to quash the same.

2. The case of the petitioner is that the property comprised in S.F.Nos.288/61 situated at Chanthiramanai Village, Perambalur Taluk and District, to an extent of 00051 sq.mtr was originally belongs to his grandfather and by way of partition, the property was settled among his father and his brothers. Pursuant to which, the petitioner's father had obtained patta. While so, during the course of U.D.R. Proceedings, one Chellammal name was wrongly entered into the said property and on application of the petitioner's father and upon due enquiry, the 3rd respondent has removed the name of the said Chellammal. At this juncture, the 4th respondent, son of the said Chellammal had made a trouble to interpret the possession of his father and hence, a suit in O.S.No.427/2009 was filed before the District Munsif Court, Perambalur. Despite pendency of the Suit, the 4th respondent herein had made an application seeking to cancel the patta issued in favour of his father and thereby the 2nd respondent conducted the enquiry and allowed the application made by the 4th



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respondent without affording any opportunity to the petitioner and without considering the pendency of the Suit before the competent Civil Court.

Therefore, the petitioner had filed revision before the 1st respondent under Section 13 of the Tamil Nadu Patta Passbook Act, 1983, however the 1st respondent have also confirmed the order of the 2nd respondent on 27.11.2015. Challenging the said order, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that though initially the Suit filed by the petitioner was entertained, subsequently it was dismissed for default. Thereafter, the petitioner has filed a Restoration Application to restore the said Civil Suit, which is pending. In view of the same, the learned counsel prays for grant of liberty to the petitioner to adjudicate the issue before the Civil Court, where the Civil Suit is pending and further submitted that if he succeeds in the civil proceedings, he may be granted liberty to file fresh application before the Tahsildar for issuance of patta.

4. The learned Additional Government Pleader appearing for the



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respondents has no serious objections for the said order being passed.

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5. Though the Writ Petition is pending for more than six years, no steps have been taken by the petitioner to serve notice on the 4th respondent. However since no adverse orders are passed against the private respondent, this Court considering the pendency of this matter, is inclined to dispose of the case with the available materials.

6. Considering the limited prayer sought for by the petitioner and further since the petitioner has filed Restoration Petition before the Civil Court to restore the Civil Suit, which was dismissed for default, this Court grants liberty to the petitioner to adjudicate the issue before the Civil Court and further if he succeeds in the civil proceedings, he is granted liberty to file fresh application before the 3rd respondent Tahsildar for issuance of patta.

7. This Writ Petition is disposed of with the above terms. No costs. Consequently connected miscellaneous petition is closed.



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To

- 1.The District Revenue Officer,
Perambalur District,
Perambalur.
- 2.The Revenue Divisional Officer,
Perambalur Revenue Division,
Perambalur.
- 3.The Tahsildar,
Perambalur Taluk,
Perambalur.

M.DHANDAPANI,J.

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