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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20468 of 2014
and
M.P.Nos.1 and 2 of 2014

C.Vasudevan

... Petitioner

Vs.

The Revenue Divisional Officer,
District Collectorate Campus,
Salem 636 001.

... Respondent

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Certiorari calling for the records of the respondent in his proceedings in Na.Ka.No.1355/2014/A3 dated 20.06.2014, quash the same.

For Petitioners : Mr.K.S.Karthik Raja

For RR1 and 2 : Mr.V.Veluchamy
Additional Government Pleader

O R D E R

The petitioner has filed this petition for issuance of Writ of Certiorari to call for the records of the respondent in his proceedings in Na.Ka.No.1355/2014/A3 dated 20.06.2014, quash the same.

2. The case of the petitioner is that the lands to an extent of Ac.2.56 in S.F.No.252/2, Veeranam Village, Salem, originally belonged to Venkatachala Gounder and Govindammal and the said property was settled in favour of Allamelu, at the time of her marriage as Stridhana. Since the petitioner took proper care of Allamelu in her olden days, executed a registered Will dated 05.03.1996 in favour of the petitioner and the entire extent of land was bequeathed in favour of the petitioner and by virtue of the registered Will, the petitioner become the absolute owner of the property and thereafter the revenue records pertaining to the above lands stand in the name of the petitioner. While being so, one T.Puvaragavan, filed a Suit in O.S.No.797 of 2011, on



the file of the District Munsif Salem, against the petitioner for a bare injunction claiming to be the lessee of Thangavel, who is none other than the brother of Allamelu. Furthermore, it is alleged by the petitioner that in the first week of July 2014, the petitioner received a communication from the 1st respondent, calling the petitioner for an enquiry, based on a petition filed by one Gandhimathi, who is none other than the daughter of Thangavel. Aggrieved by the same, the present petition is filed.

3. The learned Additional Government Pleader appearing for the official respondents submitted that the present impugned order is only a notice, calling upon the petitioner to appear for enquiry, whereby the petitioner can show his bonafide by producing all the necessary documents to prove his title, however the petitioner without doing so, straightaway approaching this Court by filing the present Writ Petition, is not sustainable and prays for appropriate orders.

4. The learned counsel appearing for the petitioner submitted that the legal heirs of Thangavel with an ill motive have ventured to make false claims over the property, after the property was settled in the name of the Alamelu. Further, under Section 10 of the Tamil Nadu Patta Pass Book Act, 1983, insofar as modification of any entry in Patta is concerned, the Tahsildar is the competent authority to entertain an application and therefore, the respondent has no jurisdiction to issue the notice and prays for quashment of the impugned order.

5. This Court has perused the impugned order, which reveals that one Gandhimathi claims that the entire property was owned by the said Alamelu and by way of forged Sale Deed, the petitioner has obtained patta from the revenue official and further as against the grant of patta in favour of the petitioner, the said Gandhimathi, has preferred an appeal before the Revenue Divisional Officer in terms of Section 12 of the Tamil Nadu Patta Passbook Act, pursuant to which the present impugned order was passed. Since the appellate authority is entitled to issue summons and hear the petitioner, if at all the petitioner is having grievances, it has to be ventilated before the appellate authority in the enquiry by the petitioner, who was called upon vide the summons, which cannot be challenged at the threshold in this Writ Petition. Therefore, the Writ Petition is liable to be quashed.

6. This Writ Petition is dismissed, however liberty is granted to the petitioner to canvass all the points before the appellate authority at the time of enquiry and the said authority shall hear the petitioner as well as the necessary parties and pass appropriate orders in the manner known to law.



7. This Writ Petition is dismissed with the above observations. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

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To

The Revenue Divisional Officer,
District Collectorate Campus,
Salem 636 001.

+1cc to the Government Pleader, S.R.No.23831

W.P.No.20468 of 2014

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NSK 02/05/2022