



W.P.No.31526 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.31526 of 2022

Tarun Periyaswamy

... Petitioner

Vs.

1.The District Collector,
Kallakurichi District,
Kallakurichi.

2.The District Revenue Officer,
Sankarapuram,
Kallakurichi District.

3.The Revenue Divisional Officer,
Kachirapalayam Main Road,
Kallakurichi – 606 202.

4.The Tahsildar,
Sankrarapuram Taluk,
Kallakurichi District.

5.Sivaraj

6.Mathimugan

7.Anbu Saral @ Mohammed

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in Na.KA.No.A4/1465/2010 dated 08.11.2010 passed by the 3rd respondent and quash the same and consequently direct the respondents 1 to 3 to conduct the enquiry to change the name in Patta No.120 from Govind Gounder within the stipulated time fixed by this Court.

For Petitioner : Mr.R.Manibarathi

For Respondents : Mr.U.Bharanidharan for RR1 to 4
Additional Government Pleader

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in respect of the order in Na.KA.No.A4/1465/2010, dated 08.11.2010, quash the same and to consequently, direct the respondents 1 to 3 to conduct the enquiry to change the name in Patta No.120 from Govind Gounder within the stipulated time fixed by this Court.

2.Since no adverse order is being passed as against the respondents 5 to 7, notice to the respondents 5 to 7 is dispensed with.

3.The case of the petitioner is that the agricultural land situated at



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Vadachettyanthai Village, Sankarapuram Taluk, Villupuram District

comprised in S.No.142/4 - 3.50 Ares; S.No.142/7- 11.00 Ares; S.No.161/2C2A - 49.00 Ares; S.No.161/2D2A - 1.50 Ares; S.No.161/2D2C - 23.00 Ares; S.No.162/1A2A - 67.00 Ares, S.No.162/1A4A - 14.00 Ares; originally belongs to the petitioner's grandfather namely Govinda Gounder, who was in absolute possession and enjoyment of the above said properties and was issued Patta No.120 dated 03.04.2012. The said Govind Gounder died intestate leaving behind his four sons to succeed over his properties, wherein, petitioner's father is one of the legal heirs of the said Govind Gounder.

4.In the above said circumstances, the respondents 5 and 6 obtained patta in their favour. The 7th respondent sent a representation to change the Patta No.120, based on which the 3rd respondent passed an order vide his proceedings in Na.Ka.No.A4/1465/2010 dated 08.11.2010 stating that the Patta No.120 stands in the name of the said Govind Gounder is continuing. The petitioner obtained a certified copy of the same by making R.T.I. application and the 3rd respondent furnished the same vide letter dated 24.05.2017. While so, the petitioner's father died intestate on 16.08.2020



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leaving behind his two sons as the legal heirs to succeed over his properties.

Thereafter, the petitioner made several requests to the respondents 1 to 4 to amend the Patta No.120, however, the same was not considered favourably by passing the impugned order. Hence, challenging the proceedings of the 3rd respondent Na.Ka.No.A4/1465/2010 dated 08.11.2010, the present Writ petition is filed.

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

6.Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that, as against the order passed by the Revenue Divisional Officer, there is an effective appeal remedy available before the Appellate authority / District Revenue Officer, in terms of Section 12 of the Tamil Nadu Patta Passbook Act, 1983, and without exhausting the said appeal remedy, straightaway approaching this Court by way of filing this Writ petition, challenging the order passed by the Revenue Divisional Officer is not sustainable, the learned counsel for the petitioners fairly restricted the



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prayer and sought permission of this Court, to file appropriate Appeal before the 2nd respondent / Appellate authority as against the order dated 08.11.2010 passed by the Revenue Divisional Officer. The learned counsel appearing for the respective respondents have not expressed any serious objection for the limited relief sought for by the petitioner.

7.In view of the aforesaid stand taken by the learned counsel for the petitioners, this Court, without interfering with the order under challenge, grants permission to the petitioner to file appropriate Revision before the 2nd respondent / Appellate authority within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal, the 2nd respondent shall consider the same on merits and in accordance with law and pass appropriate orders within a period of twelve weeks thereafter, after affording an opportunity of personal hearing to the petitioner and the private respondents.

8.Accordingly, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.



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Speaking Order : Yes/ No

Index : Yes/ No

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