



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD) No.2391 of 2010

and

M.P (MD) No.2 of 2010

1.Jeganathan
2.Karuppasamy @ Ulaganathan
3.Ponnusamy ... Petitioners
Vs

1.The District Revenue Officer,
Tirunelveli at the Office of the
Collector, Kokkirakulam,
Tirunelveli District.

2.Chelliah Thevar ... Respondents

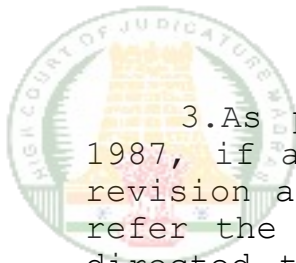
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari, calling for the records and quashing the impugned order passed by the first respondent and under its proceedings in Na.Ka.No.Aa.2/47871/2009, dated 25.05.2009.

For Petitioner	: Mr.Ramesh @ Ramiah
For Respondent	: Mr.G.Suriyanarayanan
No.1	Additional Government Pleader
(*) For Respondent	
No.2	: Mr.T.Lajapathi Roy

ORDER

This writ petition is filed as against the order passed by the District Revenue Officer, Tirunelveli dated 25.05.2009, in and by which, the order of the Tahsildar dated 12.10.2008 was cancelled.

2.The DRO, Tirunelveli has observed that the revision petitioner/ second respondent has purchased the property on 28.03.1996, whereas, the writ petitioners have purchased the property on 15.12.1999 and 20.06.2006 and therefore, he set aside the orders of the Tahsildar and RDO and granted joint patta in favour of the revision petitioner / second respondent.



3.As per Rule 4(4) of the Tamil Nadu Patta Pass Book, 1987, if any dispute arises with regard to the grant of patta, the revision authority is not supposed to take a decision and he should refer the parties to civil Court. Though the Thasildar has rightly directed the parties to approach civil Court and the RDO has also confirmed the same, the DRO holding that the revision petitioner / second respondent has purchased the property prior to the writ petitioners, has passed an order to issue joint patta in favour the second respondent.

4.In view of the above provision, the impugned order is liable to be set aside. Accordingly, the impugned order is set aside and the writ petition is disposed of with liberty to **(*)either parties** to work out **(*)thier** remedy before the civil Court by establishing **(*)thier** right. No costs. Consequently, connected miscellaneous petition stands dismissed.

Sd/-

Assistant Registrar (Records)

(*) Corrected as per the order of this Court dated 29.06.2022 made in WP(MD)No.2391 of 2010.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

To

(*)To be substituted to the order already despatched on 09/06/2022
The District Revenue Officer,
Tirunelveli at the Office of the
Collector, Kokkirakulam,
Tirunelveli District.

+1 CC to M/s.S. RAMESH @ RAMIAH, Advocate (SR-19577[F]
dated 20/04/2022)

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.28877

**W.P(MD)No.2391 of 2010
18.04.2022**

KM(CO)

GC(08.06.2022) 2P 3C

RD(07/07/2022) 2P 4C