



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.06.2022**

CORAM

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.10103 of 2011

S.Manickam @ Lakshmi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

... Respondents

Meenakshi Thevar (Died)

3.Udyar
4.Udayar
5.Pitchaikannu
6.Chelladurai
7.Madasamy
8.Ganapathi Thevar

... Proposed Respondents

(Respondent Nos.3 to 8 are impleaded vide Court order, dated 31.03.2022 in W.M.P(MD)No.14475 of 2016 in W.P(MD)No.10103 of 2011)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order passed by the first respondent in Na.Ka.No.A1/2739/2010, dated 22.07.2011 and quash the same.

For Petitioner : Mr.H.Arumugam

For R-1 & R-2 : Mr.P.Thambidurai
Government Pleader

For R-3 to R-8 : No appearance



ORDER

The present Writ Petition has been filed challenging an order, dated 22.07.2011 passed by the first respondent herein under the purported power of exercise of *suo motu* revision.

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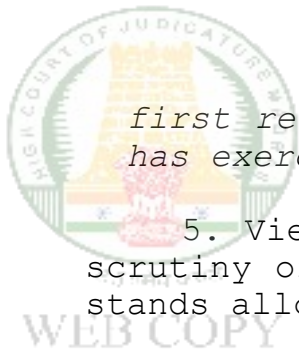
2. According to the writ petitioner, he is the owner of the disputed property and he was granted patta in patta No.1231 for Survey No.274/2B2. The patta granted by the Tahsildar was not objected by anyone of the interested parties. However, it seems some anonymous letter was addressed to the first respondent. Based upon the said anonymous letter, the first respondent has chosen to exercise his alleged powers of *suo motu* revision and passed the impugned order under which he has cancelled the patta in favour of the writ petitioner and directed the Tahsildar to restore the patta to the original position. The said order is under challenge in the present writ petition.

3. The learned Counsel for the writ petitioner submits that admittedly the property in dispute is a private property and the question of exercising *suo motu* powers by the first respondent does not arise. That apart, the patta granted in favour of the writ petitioner has not been challenged by anyone of the interested persons. Based upon the certain anonymous letters, the first respondent has no power to initiate *suo motu* revision and revise the order of the Tahsildar.

4. However, the learned Government Advocate appearing for R1 and R2 would submit that since some irregularities were brought to the notice of the first respondent and hence the first respondent had naturally was constrained to interfere in the order passed by the original authority. A perusal of the impugned order clearly indicates that no person interested in the property has approached the first respondent by way of revision. That apart, any person aggrieved by an order of patta granted by the Tahsildar should file an appeal before the Revenue Divisional Officer. No such appeal has been filed by anyone of the interested persons. However, the first respondent/Revenue Divisional Officer has chosen to exercise his alleged *suo motu* powers of revision and interfered in the order of the Tahsildar and directed the Tahsildar to restore the patta in its original position after deleting the name of the writ petitioner.

"(1) First of all, unless the aggrieved persons approaches the revenue authorities, the revenue authorities have no role whatsoever to interfere in the order of patta especially with regard to private properties.

(2) That apart, except District Revenue Officer, no other authority can exercise his suo motu power of revision under Patta Passbook Act, 1983. However, in the present case, the



first respondent who is subordinate to District Revenue Officer has exercised his suo motu powers."

5. Viewed from any angle, the impugned order does not stand the scrutiny of law. The impugned order is set aside. The Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-24575[F] dated 08/06/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-24664[F] dated 08/06/2022)

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RD(16.06.2022) 3P 5C