



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.02.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3362 of 2022

and

W.M.P.[MD]Nos.2936 and 2937 of 2022

V.Dhanalakshmi

... Petitioner

/Vs./

1.The District Revenue Officer,
Madurai District, Madurai-625 020.

2.The Revenue Divisional Officer,
Thirumangalam Revenue Division,
Thirumangalam, 625 607, Madurai District.

3.The Tahsildar,
Thirupparankundram Taluk,
Thirupparankundram, Madurai-625 005.

4.Munaivar Sulthana
5.S.M.B.Ramalingam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings vide no.Ni.Mu.No.14061/2017/G5 dated 06.05.2021 passed by the 1st respondent, as not valid and void, under law and QUASH the same as illegal and thereby consequently directing the 1st respondent to pass orders in the revision petition No.14061/2017/G5, within a time frame to issue Patta in my name in respect of the housing Plots No.3 and 4 in No.199/4 in Perungudi Village, Thirupparankundram Taluk, Madurai District rectifying the errors occurred in UDR.

For Petitioner : Mr.F.X.Eugene

For R1 to R3 : Mr.T.Amjad Khan
Government Advocate



ORDER

This writ petition has been filed challenging the order dated 06.05.2021 passed by the first respondent rejecting the petitioner's representation filed under Section 13 of the Tamil Nadu Patta Passbook Act, 1983 on the ground that the petitioner did not appear before the first respondent on the date of hearing.

2.As seen from the affidavit filed in support of this writ petition, originally, the petitioner had sought for patta in her name for the subject property, which was rejected by the third respondent and thereafter she has preferred a statutory appeal before the second respondent. The second respondent had also confirmed the order of the third respondent, by rejecting the petitioner's appeal. Aggrieved by the same, the petitioner preferred a statutory revision under Section 13 of the Tamil Nadu Patta Passbook Act, 1983, before the first respondent. Under the impugned order, the first respondent has rejected the petitioner's statutory revision on the ground that the petitioner did not participate in the enquiry proceedings. Aggrieved by the same, this writ petition has been filed.

3.It is the contention of the petitioner, as seen from the affidavit that she was always ready and willing to participate in the proceedings pending on the file of the first respondent. It is also her contention that the reason given by the first respondent rejecting the petitioner's statutory revision is incorrect, as she is all along ready and willing to participate in the proceedings pending on the file of the first respondent.

4.This Court is of the considered view that no prejudice will be caused to the respondents, if the petitioner's statutory revision filed under Section 13 of the Tamil Nadu Patta Passbook Act, 1983, which has been rejected on the ground that the petitioner remained unrepresented is restored and considered on merits and in accordance with law, after affording a fair hearing to the respondents, which includes the private respondents also.

5.Accordingly, the impugned order dated 06.05.2021 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration, on merits and in accordance with law, after affording a fair hearing to the respondents, which includes the fourth and fifth respondents also, within a timeframe to be fixed by this Court. The first respondent shall pass final orders on the petitioner's statutory revision filed under Section 13 of the Tamil Nadu Patta Passbook Act, 1983, on merits and in accordance with law, after affording a fair hearing to the petitioner and the fourth and fifth respondents, within a period of three (3) months from the date of receipt of a copy of this order.



6. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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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 District Revenue Officer,
Madurai District, Madurai-625 020.
2. The Revenue Divisional Officer,
Thirumangalam Revenue Division,
Thirumangalam, 625 607, Madurai District.
3. The Tahsildar,
Thirupparankundram Taluk,
Thirupparankundram, Madurai-625 005.

+1 CC to M/s.SPL GP (SR-8050[F] dated 23/02/2022)

+1 CC to M/s.F.X.EUGENE, Advocate (SR-8185[F] dated 23/02/2022)

W.P. [MD]No.3362 of 2022

Dated:

22.02.2022

RK(11/03/2022) 3P 6C