



W.P(MD)No.737 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD).No.737 of 2014

Muthuvilava Ponnambalam,

: Petitioner

Vs

1. The District Collector,
Pudukkottai District,
Pudukkottai

2. The Tahsildar,
Thirumayam Taluk,
Pudukkottai District

3. Kasiviswanathan,

4. Kailasam,

5. Subramanian,

6. Porselvan,

7. Rajkumar Kasi,

8. Ponnalagappan,

: Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to restore Patta Nos. 310, 751, 729 and 2152 for the land sin Virachilai I and II Bit Village in Thirumayam Taluk, Pudukkottai District in the name of Muthadaikki @ Sigappai and Subbaiah Thevar respectively.

For Petitioner : Mr.N.Balakrishnan

For R1 and R2 : Mr.A.Sivan Pandian

Government Advocate

For R3 to R7 : Mr.G.Sridharan

For R8 : No Appearance

ORDER

The present writ petition has been filed seeking a Writ of Mandamus, directing the second respondent to restore the patta in the name of one Muthadaikki @ Sigappi and Subbaiah Thevar.

2.According to the petitioner, the property in dispute originally belongs to one Muthadaikki @ Sigappi. She has bequeathed her properties in favour of the petitioner by way of a Will, on 14.01.1989. The petitioner herein is in



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possession of the property in dispute. The respondents 3 to 8 attempted to get patta in their favour. Apprehending their action, the petitioner has sent an objection letter to the second respondent on 29.10.2011, seeking not to grant any patta in favour of the private respondents, without hearing the petitioner. The petitioner has also addressed a letter to the District Collector on 29.10.2011, requesting him to initiate action. The District Collector has forwarded the said letter to the second respondent on 01.11.2011. Hence it is clear that even before the second respondent had issued patta in favour of the respondents 3 to 8, the petitioner had made objections to the respondents 1 and 2 herein. However, without hearing the writ petitioner, the patta has been transferred in favour of the respondents 3 to 8 herein.

3.The learned Counsel appearing for the petitioner had relied upon the Division Bench judgment of the Hon'ble Supreme Court reported in **2011 (5) CTC 94**, where, an order has been passed by Tahsildar under the Tamil Nadu Patta Passbook Act without giving any opportunity to the rival parties, the alternative relief of filing an appeal before the Revenue Divisional Officer cannot be insisted upon.



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4. In view of the above said facts, this Court passes the following orders:

(i) The second respondent herein is directed to restore the patta in the name of Muthadaikki @ Sigappi and Subbaiah Thevar, pending disposal of the patta transfer proceedings.

(ii) The second respondent is directed to conduct a fresh enquiry after giving due opportunity to the petitioner and respondents 3 to 8 herein and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands allowed to the extent as stated above. No costs.

13.09.2022

Index : Yes / No
Internet : Yes/ No
lr



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To

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2. The Tahsildar,
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Pudukkottai District



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R.VIJAYAKUMAR, J.

lr

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