



WEB COPY

W.P.No.26129 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26129 of 2023

R.Thangavel

... Petitioner

Vs.

1.The District Collector,
Erode District.

2.The Tahsildar,
Gobichettipalayam Taluk,
Erode District.

3.The Zonal Deputy Tahsildar,
Gobichettipalayam Taluk,
Erode District.

4.The Village Administrative Officer,
Kanakkampalayam Village,
Gobichettipalayam Taluk,
Erode District.

5.Venkodusamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings T.R.No.2023/103/10/3555/9TR dated 11.01.2023



passed the 3rd respondent quash the same and consequently direct the respondents herein to delete the name of the 5th respondent in the Joint Patta in respect of the lands comprised in S.No.222/1, Kanakkampalayam Village, Gobichettipalayam Taluk, Erode District.

For Petitioner : Mr.V.P.K.Gowtham

For Respondents 1 & 2 : Mr.G.Krishnaraja,
Additional Government Pleader.

ORDER

The Patta transfer order, passed by the Tahsildar in proceeding No.2023/0103/10/3555/9TR dated 11.01.2023, is sought to be quashed in the present writ petition.

2. The 5th respondent filed an application for transfer of Patta and the said application was considered and the impugned order was passed without affording opportunity to the writ petitioner to defend the case.

3. The learned Counsel for the petitioner states that the order impugned was issued in violation of the Principles of Natural Justice.



No doubt, violation of Principles of Natural Justice is a ground to entertain a writ petition. However, in the present case, it is suffice, if a direction is issued to the appellate authority to decide the issues since the petitioner has raised several allegationsj against the Tahsildar in the present writ petition.

4. Remanding the matter will raise further doubt in the present case since the learned Counsel for the petitioner states that the Village Administrative Officer and the Tahsildar has entertained the application and transferred the Patta in a single day. That being the ground raised in the writ petition, it is preferable to relegate the petitioner to approach the Appellate Authority for an effective adjudication of the disputed issues between the parties.

5. In view of the facts and circumstances, the petitioner is at liberty to file an appeal before the Revenue Divisional Officer concerned under the provisions of the Tamil Nadu Patta Passbook Act, 1983, and the Revenue Divisional Officer, on receipt of any such appeal, shall



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conduct an enquiry by affording an opportunity to all the parties and thereafter pass orders on merits and in accordance with law as expeditiously as possible. Till such time, the Revenue Divisional Officer passes an order, the impugned order passed by the Tahsildar in proceedings T.R.No.2023/0103/10/3555/9TR dated 11.01.2023 is kept in abeyance.

6. With this direction, the Writ Petition stands **disposed of**. No costs.

07.09.2023

Index:Yes
Speaking order
Neutral Citation:Yes
veda/sha



To

1.The District Collector,
Erode District.

2.The Tahsildar,
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Erode District.

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Gobichettipalayam Taluk,
Erode District.

4.The Village Administrative Officer,
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S.M.SUBRAMANIAM, J.

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