



WP(MD)No.5051 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2023

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THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.5051 of 2020 &  
WMP(MD)Nos.4380 & 4381 of 2020

S.P.K.Kannan

... Petitioner

Vs.

1.The District Revenue Officer,  
Tuticorin District.

2.The Revenue Divisional Officer,  
Kovilpatti, Tuticorin District.

3.The Tahsildar,  
Vilathikulam Taluk,  
Tuticorin District.

4.V.Kalaiselvi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari calling for the records pertaining to the impugned order passed by the second respondent in proceedings in P.M.A2/4558/2019 dated .09.2019 and quash the same as illegal within a time frame fixed by this Court.



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For Petitioner : Mr.Jeyakumaran  
For Respondents : Mr.D.Ghandiraj,  
Special Government Pleader  
for R1 to R3  
No appearance for R4

### ORDER

The writ petition has been filed to quash the order passed by the second respondent in proceedings in P.M.A2/4558/2019 dated .09.2019.

2. The facts are briefly set out herein under.

2.1. It is the case of the petitioner that he had purchased a vacant site comprised in old S.No.2/4C3, which after sub division is now comprised in S.No.2/9 measuring an extent of 4 cents in Vilathikulam Village. This land was purchased by him from one Chennayan Reddiyar vide registered sale deed bearing Document No.926/2004. Thereafter, the third respondent had also mutated the patta in the name of the



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petitioner in Patta No.4109/2004. The petitioner would submit that he is in possession and enjoyment of the property since the date of purchase.

2.2. While so, the fourth respondent had made a representation / complaint dated 19.09.2018 to the second respondent alleging that she had purchased the property to an extent of 25 cents in S.No.2/4C2 from one Shanmugalakshmi Ammal and it is her further case that the land comprised in S.No.2/4C would originally measure a total extent of 97 cents. She would further admit that Chennayan Reddiyar was the original owner of the property. It is her case that the property was partitioned between the sons of Chennayan Reddiyar, in which one of the sons Pappu Reddiyar was allotted 47 cents and the remaining 50 cents were allotted to the other son, namely, Chennayan Reddiyar. Pappu Reddiyar sold 25 cents out of 47 cents to Solayappa Reddiyar and retained the remaining 22 cents with him. Chennayan Reddiyar sold 47.5 cents to Subba Reddiyar and retained 2.5 cents with him. The fourth respondent had further alleged in the representation / complaint that during the UDR Scheme in the year 1986, the S.No.2/4C was sub divided



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as 2/4C1, 2/4C2, 2/4C3 and 2/4C3. On 20.08.2008, S.No.2/4C2 was further sub divided as 2/4C2A and 2/4C2B. The sub division of S.No. 2/4C has been wrongly effected and it has been sold by several persons and sale deeds have been registered by the Sub Registrar, Vilathikulam.

2.3. On the basis of the representation / complaint of the fourth respondent, the Head Surveyor of Vilathikulam Taluk issued summons to all the parties interested in the said Survey Number on 20.05.2019 to appear for an enquiry on 04.06.2019. The notice was also issued to the petitioner. The petitioner had appeared for the hearing on 04.06.2019 and filed a counter statement together with documents of title, stating that the petitioner was the absolute owner of the property and in his favour a separate patta had been issued. The petitioner had requested the second respondent that the first respondent namely, the District Revenue Officer, Tuticorin District is the competent Authority to enquire into the issue regarding alteration made in the UDR Scheme. On 29.01.2020, the petitioner had made a representation / complaint to the second respondent stating that the other person to whom the land was sub



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divided had not attended the enquiry and therefore, the survey of property should not take place till the disputes were resolved. Without considering this objection, particularly when, the jurisdiction was questioned, the second respondent proceeded to pass the impugned order, which was not served upon the petitioner. Thereafter, the petitioner had requested the third respondent to issue a copy of the impugned order, after which, a xerox copy of the impugned order was served upon the petitioner without signature or date. Hence, the petitioner is before this Court seeking to quash the said order primarily on the ground that the person who has passed the impugned order is one without Authority.

3. This contention of the petitioner has not been contested by the learned Special Government Pleader appearing for the respondents 1 to 3.

4. Heard the learned counsels on either side.

5. The second respondent is not the competent Authority under the Tamil Nadu Patta Passbook Act and therefore the exercise of Authority



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by the second respondent is without any jurisdiction. Consequently, the writ petition is allowed. The order passed by the second respondent in P.M.A2/4558/2019 dated .09.2019 is hereby quashed. No costs. Consequently the connected Miscellaneous Petitions are closed.

31.03.2023

NCC:Yes/No  
Index:Yes/No  
Speaking/Non-speaking order

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P.T.ASHA, J.

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