



W.P(MD)No.5558 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5558 of 2022 and
WMP(MD) Nos.4498,4499 and 3509 of 2023

1. Subbaiah
2. Avudaiammal
3. Sethuraj
4. Solaiammal

... Petitioners

Vs

- 1.The Regional Deputy Tahsildar – I,
Tahsildar Office,
Aruppukottai Taluk,
Virudhunagar District.

2. Arumugam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari by calling for the records of the impugned order of the 1st respondent in Ni.Mu./TPT/Aa3/6472/2021 dated 02.11.2021 and quash the same.

For Petitioner	: Mr.S.Natarajan
For R1	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R2	: Mr.P.Ponraj



WEB COPY



W.P(MD)No.5558 of 2022

ORDER

This writ petition is filed as against the order passed by the Regional Deputy Tahsildar– I, Virudhunagar District under the Tamil Nadu Patta Pass Book Act, dated 02.11.2021.

2.By the impugned order, the Regional Deputy Tahsildar has transferred the patta, which stood in the name of one Kondu Reddiyar S/o Tirumal Reddiyar, Kondu Reddiyar S/o Sangaiah Reddiyar and Seethalakshmi D/o Sangu Reddiyar for the land in S.No.107/84A Natham in favour of the second respondent.

3.The learned counsel appearing for the petitioner submits that the petitioners are the legal heirs of Kondu Reddiar. However, without any notice and without providing any opportunity of hearing, the impugned order has been passed.



W.P(MD)No.5558 of 2022

WEB COPY

4.The learned counsel appearing for the second respondent submits that these petitioners are having an appeal remedy as against the impugned order before the Revenue Divisional Officer concerned. However, the petitioner without invoking the appeal remedy has straight away filed this writ petition. Hence, this writ petition is not maintainable.

5.The learned Additional Government Pleader appearing for the first respondent submits that the impugned order has been passed by the Regional Deputy Tahsildar based on a decree, which has been produced by the second respondent in O.S.No.188 of 2018 passed by the District Munsif Court, Aruppukottai. However, in the written instructions, the Tahsildar has recorded that the father of the second respondent, namely Perumal Reddiyar has already filed a suit in O.S.No.481 of 2004 as against Kondu Reddiyar/the father of the petitioners, before the District Munsif Court, Aruppukottai and the same was dismissed. As against the same, appeal suit has also been



W.P(MD)No.5558 of 2022

WEB COPY

filed in A.S.No.2 of 2007 before the Sub Court, Aruppukottai. While so, it is not known under what circumstances O.S.No.188 of 2018 has been filed and decree was obtained. Even otherwise, the respondent ought to have provided an opportunity of hearing before passing this impugned order. It is also to be noted that the petitioners are having an appeal remedy before the Revenue Divisional Officer.

6.In view of the above, this impugned order is set aside.

The mater is remanded back to the The Regional Deputy Tahsildar – I, Aruppukottai Taluk, Virudhunagar District for fresh consideration. The The Regional Deputy Tahsildar – I, Aruppukottai Taluk, Virudhunagar District shall provide an opportunity to both the parties and take a decision within a period of twelve weeks from the date of receipt of a copy of this order. The parties shall co-operate and appear before the Regional Deputy Tahsildar – I along with a copy of this order.



W.P(MD)No.5558 of 2022

WEB COPY

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.09.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn

To

1. The Revenue Divisional Officer,
Aruppukottai
2. The Regional Deputy Tahsildar – I,
Tahsildar Office,
Aruppukottai Taluk,
Virudhunagar District.



WEB COPY



W.P(MD)No.5558 of 2022

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.5558 of 2022 and
WMP(MD) Nos.4498,4499 and 3509 of 2023

19.09.2023