



W.P.(MD)No.14993 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.14993 of 2020

and

W.M.P.(MD)No.12634 of 2020

J.Sakthirajan

... Petitioner

vs.

1.The District Revenue Officer,
District Collector Office, Theni District.

2.The Sub Collector,
Thamaraikulam, Thenkarai, Periyakulam,
Theni District.

3.The Tahsildar, Theni, Theni District.

4.Yasodhai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned proceedings of the 1st respondent in Na.Ka.No. 4785/2019/D4 dated 09.10.2020 and quash the same as illegal.



W.P.(MD)No.14993 of 2020

For Petitioner	:Mr.R.Suriyanarayanan
For R1 to R3	:Ms.D.Farjana Ghousia Special Government Pleader
For R4	:Mr.Sivathilakar

ORDER

This Writ Petition has been filed challenging the notice issued by the first respondent dated 09.10.2020 to the petitioner and three others asking them to attend for an enquiry on 19.10.2020 at 04.00 pm.

2.The case of the petitioner is that the patta for the subject property now stands in the name of the petitioner and three others. The further case of the petitioner is that the fourth respondent does not have any right or title over the subject property. In spite of the same, the fourth respondent has gone before the first respondent and made a representation and the first respondent had issued the impugned notice.

3.This notice has been challenged by the petitioner on the ground that there was no jurisdiction for the first respondent to issue such a notice and that the first respondent is only a Revisional Authority under the Tamil Nadu Patta Pass Book Act, 1983.



W.P.(MD)No.14993 of 2020

WEB COPY

4.Heard Mr.R.Suriyanarayanan, learned Counsel appearing on behalf of the petitioner, Ms.D.Farjana Ghousia, learned special Government Pleader appearing on behalf of the respondents 1 to 3 and Mr.S.Siva Thilakar, learned Counsel appearing on behalf of the fourth respondent.

5.On carefully going through the notice issued by the first respondent, it is seen that a complaint has been made before the first respondent, as if a mistake had crept in during the UDR scheme and the same is attempted to be corrected by virtue of the petition submitted by the fourth respondent. It is, therefore, apparent that the first respondent was not exercising the jurisdiction under the Tamil Nadu Patta Pass Book Act, 1983.

6.Insofar as the correction of the entries made during the UDR is concerned, it is only the first respondent, who is the competent authority as per the Government Orders and no other authority is entitled to make the correction. In view of the same, the notice issued by the first



W.P.(MD)No.14993 of 2020

respondent does not suffer from any lack of jurisdiction warranting the interference of this Court.

7.In view of the above, it is always left open to the petitioner and others to make their objections before the first respondent along with all the relevant documents and the first respondent will consider the same on its own merits and in accordance with law and pass final orders. Except giving this clarity, no further orders can be passed. This Writ Petition is disposed of accordingly. The first respondent is directed to complete the proceedings after affording an opportunity to all the interested parties within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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

10.11.2023

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W.P.(MD)No.14993 of 2020

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W.P.(MD)No.14993 of 2020

N.ANAND VENKATESH, J.

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W.P.(MD)No.14993 of 2020

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