



WP(MD)No.15780 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.12.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.15780 of 2020

T.Sivaraman

...Petitioner

/Vs./

1.The Tahsildar,
Aruppukkottai Taluk,
Virudhunagar District.

2.The Inspector of Police,
Paralachi Police Station,
Paralachi, Virudhunagar District.

3.Senthilkumaran

4.The Revenue Divisional Officer,
Virudhunagar District.

...Respondents

(R4 is suo motu impleaded vide this order dated 12.12.2023.)

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned proceedings of the first respondent dated 23.03.2019 insofar as the mutation of revenue records namely changing the patta bearing patta No.4106 in the name of the third respondent from the name of the petitioner by grossly violating the settled principles of law and natural justice and quash the same and consequently, direct the 1st respondent to restore the patta in the name of the petitioner immediately within a time frame as fixed by this Court.



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For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.B.Saravanan (R1 & R4)

Additional Government Pleader

Mr.R.Sivakumar (R2)

Government Advocate

Mr.R.Ramadurai (R3)

ORDER

The Revenue Divisional Officer, Virudhunagar District is suo motu impleaded as the fourth respondent in this writ petition and Mr.B.Saravanan, learned Additional Government Pleader takes notice on behalf of the impleaded fourth respondent.

2. The petitioner has challenged the unilateral cancellation of the patta, which stood in his name in patta No.248 with respect to subject property and the transfer of patta was made in the name of the third respondent in patta No.4106.

3. The case of the petitioner is that he is the owner of the subject property by virtue of a registered sale deed dated 14.06.2018 and he was in possession and enjoyment of the same. Subsequent to the purchase, he made an application before the first respondent and patta was granted in favour of the petitioner in patta No.248.



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4. The grievance of the petitioner is that all of sudden, patta was granted in favour of the third respondent with respect to the subject property without issuing any notice to the petitioner and without affording any opportunity. The same has been put to challenge in the present writ petition.

5. Heard Mr.B.Prahalad Ravi, learned counsel appearing for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader for the respondents 1 and 4, Mr.R.Sivakumar, learned Government Advocate for the second respondent and Mr.R.Ramadurai, learned counsel for the third respondent.

6. The learned counsel appearing on behalf of the third respondent submitted that the petitioner had suppressed material facts and had managed to get the patta in his name without the knowledge of the third respondent. That apart, the third respondent has also filed a suit before the competent civil Court seeking for the relief of declaration and the same is pending. In view of the same, the third respondent made an application before the first respondent and the first respondent had changed the name in the revenue records and issued patta in the name of the third respondent.



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7. In the considered view of this Court, the short issue that is involved is as to whether the patta that stood in the name of the petitioner could have been cancelled and changed to the name of the third respondent without issuing any notice and without giving any opportunity to the petitioner.

8. The patta was granted in favour of the petitioner with respect to the subject property in patta No.248. If the third respondent had any grievance on the issuance of patta in favour of the petitioner, the said grievance cannot be dealt with by the Thasildhar and the Tamil Nadu Patta Passbook Act, 1983 provides for an appeal remedy before the Revenue Divisional Officer. Hence, the grievance expressed by the third respondent could have been agitated only before the appellate authority, ie., the Revenue Divisional Officer and not before the Thasildhar. Even otherwise, the Thasildhar could not have cancelled the patta, which stood in the name of the petitioner behind the back of the petitioner.

9. In the light of the above discussion, the proceedings of the first respondent dated 23.03.2019, through which the name of the petitioner was deleted and the name of the third respondent was added in the patta, is hereby



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set aside. The third respondent is given liberty to file an appeal before the Revenue Divisional Officer, Virudhunagar District, viz., impleaded fourth respondent within a period of two weeks from the date of receipt of a copy of this order. Upon such appeal being filed, the fourth respondent shall issue notice to both the parties and conduct an enquiry and pass final orders within a period of three months thereafter.

10. In the result, this writ petition is allowed with the above directions.

No costs.

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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12.12.2023
(1/2)



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N.ANAND VENKATESH, J.

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TO:-

- 1.The Tahsildar,
Aruppukkottai Taluk,
Virudhunagar District.
- 2.The Inspector of Police,
Paralachi Police Station,
Paralachi,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
Virudhunagar District.

Order made in
W.P.(MD)No.15780 of 2020
(1/2)

Dated:
12.12.2023