



W.P.(MD)No.241 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.241 of 2021
and
W.M.P.(MD).No.197 of 2021

K.Ramasubramanian

... Petitioner

Vs.

- 1.The District Collector
District Collectorate, Tenkasi
- 2.The Revenue Divisional Officer,
Revenue Divisional Office, Tenkasi.
- 3.The Tahsildar,
Taluk Office, Maharajan Nagar,
Kadayanallur Taluk,
Tenkasi District 627 751.
- 4.M.Gandhimathi
- 5.Pithchaiah
- 6.Natarajan
- 7.Muneeswaran
- 8.Mariappan
- 9.R.N.Anand

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 12.12.2020 and initiate appropriate enquiry and action to cancel the mutation of pattas in respect of S.Nos.1000/1, 1000/2, 1000/4, 1001/1, 1064/4, 1065/7, 1065/7, 1065/10, 1019/2, 1020/2, 1020/6, 999/3 and 1065/11 situated at Chinthamani Village, Kadayanallur Taluk, Tenkasi District, standing in the name of the private respondents or the third parties and restore it in the name of Arulmigu Shri Raja Rajeshwari Amman Temple and Bajanai Madam, Chinthamani Village, Puliangudi.

For Petitioner	: Mr.H.Lakshmi Shankar
For R-1 to R-3	: Ms.D.Farjana Ghoushia, Special Government Pleader
For R-4	: Mr.K.Prabhu
For R-5 to R-8	: Mr.Saravanakumar
For R-9	: Mr.V.Sasikumar

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing respondent Nos.1 to 3 to consider the representation made by the petitioner and to cancel the mutation of pattas that have been effected in favour of the private respondents with respect to the subject property.



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2. Heard the learned counsel on either side.

3. The case of the petitioner is that the subject properties belongs to the Temple and the Bajanai Madam. However, the private parties have managed to deal with the subject properties and they have also got their names mutated in the revenue records. In view of the same, the representation was made to respondent Nos.1 to 3 to cancel the patta issued in favour of the private respondents. Since the same was not considered, the present Writ Petition has been filed before this Court.

4. In the considered view of this Court, if the petitioner is aggrieved by the issuance of patta in favour of private parties, the petitioner has to file an appeal before the Revenue Divisional Officer as provided under the Tamil Nadu Patta Passbook Act, 1983. As and when any such appeal is filed before the Revenue Divisional Officer, the Revenue Divisional Officer shall issue notice to all the interested parties and hear them and thereafter, take a decision in accordance with law.



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5. In view of the above, it is left open to the petitioner to file an appeal before the Revenue Divisional Officer, Tenkasi and seek for the cancellation of the patta granted in favour of the private parties and on filing of such appeal, the Revenue Divisional Officer shall issue notice to all the interested parties in whose name the patta has been issued and after conducting an enquiry and on hearing all the parties, a decision shall be taken on its own merits and in accordance with law. The Revenue Divisional Officer shall pass orders in the appeal as expeditiously as possible from the date of filing of the appeal.

7. This Writ Petition is disposed of with the above directions.

No costs. Consequently, the connected miscellaneous petition is closed.

10.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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To

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2. The Revenue Divisional Officer,
Revenue Divisional Office, Tenkasi.
3. The Tahsildar,
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N.ANAND VENKATESH, J.

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