



W.P(MD)No.28858 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 07.12.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.28858 of 2023

Prema

... Petitioner

Vs.

1.The Revenue Divisional Officer,  
O/o. the Revenue Divisional Office,  
Pudukottai District, Pudukottai.

2.The Tahsildar,  
Alangudi Taluk Office,  
Pudukottai District,  
Pudukottai.

3.Gunalan

4.Muthulakshmi

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Revenue Divisional Officer of Pudukottai / 1st respondent to expedite and complete the patta appeal proceedings in O.Mu.A4/5924/2020 dated 02.11.2020 and Na.Ka.No.414/A4/2022 dated 14.11.2022 within a reasonable time to be determined by this Court after affording a reasonable opportunity of hearing to the writ petition including an



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opportunity to cross examine the private respondents 3 and 4 who are the original petitioners before the 1st respondent.

For Petitioner : Mr.N.Dilip Kumar,  
For Mr.D.R.Murugesan.

For Respondents : Mr.K.Balasubramni,  
Spl. Government Pleader for R1 & R2.

### **ORDER**

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 and 2. Issuance of notice to the respondents 3 and 4 is dispensed with.

2.The petitioner's husband / Ganagasabapathy was the brother of the private respondents herein. It is the case of the petitioner that in the year 2002, there was a oral partition in her husband's family and the petition mentioned properties were allotted to his share. The revenue record was mutated in his name. Ganagasabapathy passed away in the year 2014. Patta however continues to stand in the name of Ganagasabapathy. Whiles, the private respondents herein filed an independent appeal before the Revenue Divisional Officer, Pudukottai



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for cancelling the said patta. All that the petitioner wants is expediting the said appeal proceedings.

3.No exception can be taken to this request. The first respondent is directed to conclude the enquiry and pass final order on the appeals filed by the respondents 3 and 4 within a period of twelve weeks from the date of receipt of a copy of this order. Of course, the respondents 3 and 4 have to be put on notice. I make it clear that I have not gone into the merits of the matter.

4.The petitioner has two other requests to make. The petitioner wants reasonable opportunity to be afforded to her. Though the appeals are filed under Section 12 of the Tamil Nadu Patta Passbook Act, 1983, the procedure set out in Section 10(3)(a) of the Act will equally govern appeal proceedings also. It is because an appeal is deemed to be continuation of the original proceedings. Section 10(3)(a) of the Act contemplates that reasonable opportunity should be given to the parties concerned to make their representation either orally or in writing. Therefore, this part of the prayer has to be acceded to.



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5. But then, I have some serious doubt as to whether the petitioner can be given an opportunity to cross examine the appellants namely, the respondents 3 and 4. Of course, the learned counsel for the petitioner would contend that since the proceedings are *quasi-judicial* in nature and they have serious implication on the petitioner's civil rights, opportunity of cross examination should be given. The statute is silent on this aspect. The Rules framed under the Act also do not furnish any guidance. Therefore, I am not in a position to issue any positive direction in this regard. Since there is no prohibition in the Act, I permit the petitioner to make a request for cross examination and it is for the first respondent to take a call in this matter.

6. This writ petition is disposed of accordingly. No costs.

**07.12.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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**G.R.SWAMINATHAN, J.**

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