



W.P.No.17746 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.17746 of 2022 &

WMP.Nos.17030, 17031 & 17032 of 2022

C.Podupani Thilagam

... Petitioner

Vs

1. The District Collector
Collectorate Government Garden Tirupathur-635 601.
2. The Revenue Divisional Officer /
Collectorate Government Garden, Tirupathur- 635 601.
3. The Tahsildar
Collectorate Government Garden Tirupathur- 635 601.
4. The Sub- Registrar
Jolarpet.
5. Kuttiammal
6. S. Lakshmi
7. Rajammal
8. R.Vasudevan
9. Bhuvaneshwari



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10. Pushpa @ Thamizhselvi

11. Rajeswari

[R7 to R11 impleaded vide Order Dated
10.02.2023 made in WMP.32915/2022 by RSKJ]

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorafied Mandamus calling for the records pertaining to the issuance of the order in Proceedings No. Mu.Mu. A5 / 599 / 2021 dated 13.05.2022 on the file of the 2nd Respondent and quash the same and consequently direct the 2nd Respondent to restore the Patta to the name of the Petitioner in respect of land in Survey Nos.285/2B, 296/1A, 285/1B, 296/1B and 241/1B1B of Palnangkuppam Village Tirupathur Taluk Tirupathur District.

For Petitioner : Mr.E.Karthikeyan

For Respondents : Mr.A.Selvendran
Special Government Pleader – R1to R3

Mr.P.Anandhakumar
Government Advocate – R4

Mr.T.Gowthaman, Senior Counsel–R5 &6

Mrs.Elizabeth Ravi – R7 to R11



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ORDER

This Writ Petition has been filed to quash the proceedings in No. Mu.Mu.A5/599/2021 dated 13.05.2022 on the file of the second Respondent and consequently direct the 2nd Respondent to restore the Patta to the name of the petitioner in respect of land in Survey Nos.285/2B, 296/1A, 285/1B, 296/1B and 241/1B1B of Palnangkuppam Village Tirupathur Taluk Tirupathur District.

2. Heard Mr.E.Karthikeyan, learned counsel appearing for the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 2, Mr.P.Anandhakumar, learned Government Advocate of respondent No.4, Mr.T.Gowtham, Senior Counsel for Respondents 5 and 6 and Mrs.Elizabeth Ravi for the respondents 7 to 11.

3. Though various grounds have been raised in the Writ Petition, the main grievance of the writ petitioner is that appropriate opportunity



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has not been given to the petitioner. Therefore, seeks to remand the matter once again to the Revenue Divisional Officer for afresh hearing.

4. A perusal of records, it appears that a suit filed for partition is pending between the parties and a preliminary decree has also been passed. Further, it is seen that the partition deed relate to an open path way which came into existence during the pendency of the suit filed for partition and patta transfer has also been effected during the pendency of the suit. Therefore, the Order passed cancelling the patta is put to challenge in this Writ Petition.

5. At the outset I am not agreeable for that. As against the Order of the Revenue Divisional Officer, statutory appeal will lie before District Revenue Officer. Let the petitioner file appropriate appeal before the District Revenue Officer within a period of one month from the date of receipt of a copy of this Order. On such appeal being filed, after giving proper opportunity to the parties concerned, let the matter be decided by



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the District Revenue Officer and the District Revenue Officer shall take into consideration the pendency of the suit while passing the Order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition are closed.

03.04.2024

Index:Yes/No
Neutral Citation : Yes/No
vrc

To,

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N.SATHISH KUMAR, J.

VTC

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