



W.A.Nos.2454 and 2455 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Writ Appeal No.2454 & 2455 of 2022
and
C.M.P.Nos.19094 & 19096 of 2022

M.Kathiresan

... Appellant in both W.A's

Vs.

S.Gangadharan

... 1st respondent in
W.A.No.2454 of 2022

R.Ganesan

... 1st respondent in
W.A.No.2455 of 2022

The District Collector,
Collectorate,
Chengalpattu District.

The District Revenue Officer,
Thirukizhukundram Taluk,
Chengalpattu District.

The Revenue Tahsildar,
Thirukizhukundram Taluk,
Chengalpattu District.

E.Kalavathi

... 2nd to 5th respondents in
both W.A's



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Common Prayer: Writ Appeals filed under Clause 15 of Letters Patent, to set aside the order dated 19.07.2022 in W.P.Nos.18372 and 18377 of 2022 respectively, on the file of this Hon'ble Court.

For Appellant : Dr.G.Krishnamurthy (in both W.A's)

For R1 : Mr.M.Ganesan (in both W.A's)

For R2 to R4 : Mr.A.Selvendran
Special Government Pleader
(in both W.A's)

For R5 : No appearance (in both W.A's)

COMMON JUDGMENT

(Judgment of the Court delivered by S.M.SUBRAMANIAM,J.)

The Writ Appeals are filed challenging the common order passed in W.P.No.18372 and 18377 of 2022 dated 19.07.2022.

2. The 5th respondent in the writ petitions is the appellant before us. The writ petitions were instituted challenging the order passed by the Tahsildar, Thirukazhukundram Taluk, Chengalpattu District and seeking a direction to grant Patta in the name of the writ petitioners.

3. The learned Single Judge found that the Tahsildar granted Patta



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by conducting an enquiry under the provisions of the Tamil Nadu Patta Passbook Act, 1983. However, he entertained further appeal under the Tamil Nadu Patta Passbook act, 1983, filed by the writ appellant. Thus, the Writ Court found that the Tahsildar, who conducted an enquiry and issued Patta has no power to entertain further appeal under the Tamil Nadu Patta Passbook Act and consequently directed to transfer the copy of the appeals to the jurisdictional Revenue Divisional Officer, Chengalpattu for the purpose of conducting an enquiry and to decide the issues on merits and in accordance with law.

4. The Writ Court has directed the Tahsildar to forward the entire papers to the jurisdictional Revenue Divisional Officer at Chengalpattu for the purpose of conducting an enquiry, who is the Appellate Authority to decide the issues under the provisions of the Tamil Nadu Patta Passbook Act. That being the spirit of the writ order, we do not find any infirmity. However, the parties are at liberty to establish their case before the jurisdictional Revenue Divisional Officer at Chengalpattu.

5. With these observations, both the Writ Appeals stands



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dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

[S.M.S.J.] [K.R.S.J.]
19.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1.The District Collector,
Collectorate,
Chengalpattu District.

2.The District Revenue Officer,
Thirukizhukundram Taluk,
Chengalpattu District.

3.The Revenue Tahsildar,
Thirukizhukundram Taluk,
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AND
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Judgment in
W.A.Nos.2454 & 2455 of 2022

19.02.2024