



W.A.(MD) Nos.454 & 711 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

W.A.(MD) Nos.454 & 711 of 2021

and

C.M.P.(MD) Nos.1849 & 3138 of 2021

W.A.(MD) No.454 of 2021:

Vijaya

... Appellant

-VS-

1.The Revenue Divisional Officer
Sivagangai District

2.The Thasildhar
Kalayarkovil Taluk
Sivagangai District

3.The Head Surveyor
Kalayarkovil Taluk
Sivagangai District

4.Vasanth

5.Kannan

6.Raja

7.Amaravathi

... Respondents

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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 25.01.2021, passed in W.P.(MD) No.1192 of 2021, on the file of this Court.

For Appellant : Mr.R.Suriyanarayanan

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader for R2 & R3
Mr.R.Udhayakumar for R4 to R7

W.A.(MD) No.711 of 2021:

Vijaya

... Appellant

-vs-

- 1.Kannan
- 2.The Superintendent of Police
Office of Superintendent of Police
Sivagangai District
- 3.The Thasildhar
Kalayarkovil Taluk
Sivagangai District
- 4.The Head Surveyor
Kalayarkovil Taluk
Sivagangai District
- 5.The Inspector of Police
Anti-Land Grabbing Special Cell
Sivagangai District



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6.The Inspector of Police
Madugupatti Post
Sivagangai District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 20.11.2020, passed in W.P.(MD) No.13318 of 2021, on the file of this Court.

For Appellant : Mr.R.Suriyanarayanan

For Respondents : Mr.R.Udhayakumar for R1
Ms.D.Farjana Ghoushia
Special Government Pleader for R2 to 6

COMMON JUDGMENT

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

Originally, one Kannan filed W.P.(MD) No.13318 of 2020 in connection with the land comprised in Survey No.47/1 of Maangatethal Village, Kalayarkovil Taluk, Sivagangai District, claiming that he is the owner of the said property and hence, Patta in respect of the same has to be re-transferred in his name.

2. This Court, by order dated 20.11.2020, has allowed the said writ petition. Challenging the same, the sixth respondent in the said writ petition, namely, Vijaya has preferred W.A.(MD) No.711 of 2021.



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3. The sixth respondent in the said writ petition *viz.*, W.P.(MD) No. 13318 of 2020, namely, Vijaya, has filed W.P.(MD) No.1192 of 2021 seeking for a direction to the authority concerned to dispose the appeal filed by her challenging the cancellation of Patta in respect of the subject property, within a stipulated period. In the said writ petition, the petitioner in W.P.(MD) No. 13318 of 2020, namely, Kannan and another, namely, Vasantha have been arrayed as the respondents 5 and 4 respectively.

4. This Court, by order dated 25.01.2021, finding devoid of merit and substance, dismissed the said writ petition. Challenging the same, the said Vijaya has preferred W.A.(MD) No.454 of 2021.

5. Both the parties, namely, Vasantha and Kannan in one hand and Vijaya on the other hand make rival claims with regard to the Patta for the land in Survey No.47/1, based upon some documents on their hand.

6. Learned Special Government Pleader appearing for the official respondents produced a copy of the order, dated 06.12.2024, passed by the Revenue Divisional Officer, Sivagangai, whereby and whereunder, in view of facts and circumstances of the case and the reasonings adduced therein, both



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the parties, namely, Vasantha & Kannan and Vijaya were directed to approach the District Revenue Officer, Sivagangai District and file necessary application. It is seen that the copy of the said proceedings has been served to the said Vijaya only. The said Vasantha & Kannan have not been served with the said proceedings. They shall also be served with the said proceedings, so that they can file appeal before the District Revenue Officer.

7. Since the appeal before the District Revenue Officer is a statutory appeal under the Tamil Nadu Patta Pass Book Act, 1983, both the parties are to work out their remedy before the District Revenue Officer concerned.

8. It is made clear that for the purpose of limitation in respect of Vasantha and Kannan, as it is seen that they have not been served with the proceedings of the Revenue Divisional Officer, dated 06.12.2024, from the date of serving the said proceedings on them, limitation period shall be reckoned.

9. In view of the rival claims of the parties, we have not expressed any opinion on the merits of the matter. The District Revenue Officer, Sivagangai District, shall decide the matter on merits and in accordance with



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law, without being influenced by any of the observations made in this Judgment.

10. Accordingly, these writ appeals are disposed of. It is made clear that the findings of the learned Single Judge in the order dated 20.11.2020 in W.P.(MD) No.13318 of 2020 are hereby vacated. No costs. Consequently, connected miscellaneous petitions are closed.

[T.K.R., J.] [N.S., J.]

10.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Revenue Divisional Officer,
Sivangangai District.
- 2.The Superintendent of Police,
Office of Superintendent of Police,
Sivagangai District.
- 3.The Thasildhar,
Kalayarkovil Taluk,
Sivagangai District.



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- 4.The Head Surveyor,
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