



W.P.(MD) No.4062 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.4062 of 2018
and
W.M.P.(MD) No.4222 of 2018**

G.Muthuramalingam

... Petitioner

/vs./

1.The District Collector,
Tuticorin District,
Collectorate Complex,
Tuticorin.

2.The District Revenue Officer,
Collectorate Complex,
Tuticorin District.

3.The Tahsildar,
Kovilpatti,
Tuticorin District.

4.A.T.K.Ramasamy

5.A.T.K.Ramasamy

6.A.T.K.Thathiaya alias Ponraj

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records in Na.Ka.D6/23447/2017 dated 30/01/2018 and the subsequent notice dated 16/02/2018 on the file of the 1st respondent and quash the same as illegal, ultravirus and unconstitutional and for consequential orders.

For Petitioner : Mr.S.Ramesh
For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition has been filed for the issue of a Writ of Certiorarified Mandamus to quash the order passed in Na.Ka.D6/23447/2017 dated 30/01/2018 and the subsequent notice dated 16/02/2018 by the first respondent.

2. It is the case of the petitioner that pursuant to a suit for specific performance filed by him in O.S.No.18 of 2012, the property in question had been sold to him by orders in E.P.No.142 of 2012 by the learned Principal District Judge, Tuticorin on 15.07.2014. Thereafter, the possession has also been taken by the petitioner by filing E.A.No.87 of 2014 in E.P.No.142 of 2012 in O.S.No.18 of 2012 on 24.02.2015. Thereafter, the petitioner had made an application to the



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Tahsildar, Kovilpatti for mutation of revenue records in his name and he was also issued with patta No.1883. The respondents had thereafter preferred an appeal to the second respondent/the District Revenue Officer challenging the order passed by the Tahsildar granting patta and the second respondent is compelling the petitioner to appear for hearing.

3. Meanwhile, the respondents 4 to 6 had filed a suit O.S.No.89 of 2015 on the file of the I Additional District Court, Tuticorin for various prayers including declaration of title. They have also sought to have the decree passed in O.S.No.18 of 2012 in favour of the petitioner as null and void. While so, the second respondent is insisting for conducting the enquiry and aggrieved by this, the petitioner is before this Court.

4. The petitioner is aggrieved on two grounds., i.e., i) the second respondent is not an Authority to hear the appeal against the order passed by the Tahsildar under the Patta Passbook Act and ii) there is a civil suit now pending and the parties have to await the result of the suit.



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5. Heard the learned counsel on either side.

6. Admittedly, the appeal is against the patta that had been granted by the Tahsildar and the appeal against the order of the Tahsildar would lie before the Revenue Divisional Officer, as per Rule 14 of the Tamilnadu Patta Passbook Rules, 1987. As against the order of the Revenue Divisional Officer, a Revision would lie before the second respondent/the District Revenue Officer, as per Rule 15 of the said Rules. Therefore, the second respondent had no jurisdiction to hear the appeal. That apart, a comprehensive suit has been filed.

7. Therefore, the Writ Petition stands allowed and the impugned order in Na.Ka.D6/23447/2017 dated 30/01/2018 and the consequential notice dated 16/02/2018 issued by the first respondent is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

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

24.09.2024

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P.T.ASHA, J.

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