



WA(MD). No.2204 of 2024A(MD). No.2204 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 04/11/2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WA(MD). No.2204 of 2024

Ravichandran

... Appellant

Vs

1. The District Collector,
Dindigul District, Dindigul..

2. The Revenue Divisional Officer,
Nilakottai Taluk, Dindigul District..

3. The Tahsildar,
Nilakkottai Taluk,
Dindiful District..

... Respondents

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order dated 26.02.2024 in WP(MD). No. 4326/2024.

For Appellant : Mr.S.Saravana Kumar,

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

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JUDGMENT

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

Challenge is made to the order of the writ Court dated 26.02.2024 in WP(MD) No.4326/2024.

2. When the writ petitioner had made an application under Section 10 of the Patta Passbook Act seeking for cancellation of joint patta and seeking for separate patta for himself, the learned single Judge had granted liberty to the writ petitioner to appear before the concerned Tahsildar along with his mother and other pattadars and if consensus is arrived among the parties for grant of individual patta, the same shall be complied with. It was further observed by the learned Single Judge therein that in any case, the genuineness of the Will is questioned, the parties shall be relegated to approach the concerned jurisdictional civil Court. In the light of this finding, all the joint pattadars had appeared before the concerned Tahsildar and after recording their objections, a final order under Section 10 of the Act came to be passed by the Tahsildar, on 19.07.2024, wherein, the Tahsildar had granted liberty to the parties to approach the civil Court to enforce their rights. The appellant has not challenged this order, but seeks for interference to the order passed by the writ Court. When the order of the writ Court has already been complied with by the

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Tahsildar, we will not be in a position to interfere with the order in the writ petition, rather, the only remedy available to the appellant would be to challenge the final orders by way of appeal under Section 12 of the Patta Passbook Act.

3. In the light of the above, liberty is granted to the appellant to prefer an appeal with the concerned authority within a period of 15 days from the date of receipt of a copy of this order. On receipt of the appeal, the appellate authority shall consider it on its own merits and pass appropriate orders in accordance with the procedure contemplated under Section 12 of the Patta Passbook Act as expeditiously as possible.

4. The writ appeal stands disposed of with the above direction. No costs.

[M.S.R.,J]

[A.D.M.C.,J]

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NCC : Yes/No

Index : Yes/No

RR

TO

1. The District Collector,
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3. The Tahsildar,
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Dindigul District..

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M.S.RAMESH,J

AND

A.D.MARIA CLETE, J.

RR

ORDER

IN

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