



W.A.(MD)No.723 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.723 of 2016
and
C.M.P.(MD)No.9516 of 2018

K.Chinnasamy

...Appellant

/Vs./

- 1.The District Collector,
District Collector Office,
Madurai District.
- 2.The District Revenue Officer,
District Collector Office,
Madurai District.
- 3.The Revenue Divisional Officer,
Usilampatti Division,
Usilampatti,
Madurai District.
- 4.The Thasildar,
Perayur Taluk,
Madurai District.

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5.Kothandaraman

...Respondents

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to allow the writ appeal and to set aside the order passed by this Court in W.P.(MD)No.12610 of 2013 dated 24.02.2016.

For Appellant : Mr.M.Arjuna Varman
for Mr.S.Rajasekar
For Respondents : Mr.A.K.Manikkam (R1 to R4)
Special Government Pleader
Mr.P.Sivasubramanian (R5)

JUDGMENT

(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

This writ appeal has been filed by the writ petitioner against the order passed by this Court in WP(MD)No.12610 of 2013 dated 24.02.2016.



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2. The case of the appellant is that the writ petitioner / appellant has approached the third respondent for issuance of joint patta and the third respondent has recommended for including the names of the petitioner and other legal heirs of the petitioner's father in the patta. But the second respondent has passed the impugned order stating that there is objection for patta transfer.

3. It is the further case of the appellant is that the learned Single Judge ought to have set aside the impugned order stating that it is in violation of the provisions of the Tamil Nadu Patta Passbook Act, 1983 and ought to have remanded the matter back to the second respondent for fresh consideration in accordance with law. Instead, the learned Single Judge of this Court directed the parties to relegate the dispute before the competent civil Court, even though there is no title dispute with regard to the subject property. Hence, the writ petitioner is before this Court by way of filing this appeal to set aside the order passed in the writ petition.



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4. The learned counsel appearing for the appellant submits that pending writ petition, the second respondent has proposed to review the impugned order and hence, issued an enquiry notice dated 13.03.2015 calling upon the appellant to participate in the enquiry. The learned Single Judge ought to have directed the second respondent to proceed with the enquiry and pass appropriate orders, instead of dismissing the writ petition with liberty to the parties to go before the Civil Court.

5. It is seen that there was a recommendation by the third respondent to the second respondent to include the names of the legal heirs of the petitioner's father in the patta. Instead of considering the same, the second respondent passed the impugned order. After approaching the respondents by way of representation made by the petitioner, the second respondent sent an enquiry notice directing the parties to appear before him for enquiry. When the matter stood thus, the learned Single Judge of this Court ought to have directed the second respondent to complete the enquiry, since there was no dispute regarding



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the title of the subject property, instead of directing the parties to relegate their dispute before the Civil Court.

6. Considering the facts and circumstances of this case, the order passed by the writ Court is set aside and the matter is remanded to the file of the second respondent. This Court, without going into the merits of the case, directs the second respondent to proceed with the enquiry regarding the patta transfer proceedings and pass appropriate orders on merits and in accordance with law, within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

7. In the result, this writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(V.B.S.J.) & (K.K.R.K.J.)
22.02.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes
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V.BHAVANI SUBBAROYAN, J.

and

K.K. RAMAKRISHNAN, J.

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TO:-

- 1.The District Collector,
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W.A.(MD)No.723 of 2016

Dated:
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