



W.P(MD)No.24171 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24171 of 2024

and

W.M.P.(MD)Nos.20439& 20440 of 2024

Susheela Jeyarani

... Petitioner

Vs

1. The District Collector,
Tenkasi,
Tenkasi District.

2. The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.

3. The Thasildar,
Alangulam,
Tenkasi District.

4. The Village Administrative Officer,
Sivalarkulam Village,
Alangulam Taluk,
Tenkasi District.

5. P.N. Abraham

6. Sundara Mahalingam

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order of issuance of two individuals patta in the name of Sundaramahalingam i.e. the sixth respondent bearing No.5771 in relation to the property bearing Survey No.1153 situated at Sivalarkulam Village, Alangulam Taluk, Tenkasi District and quash the same as erroneous and consequently direct the third respondent to restore the original joint patta to the said property bearing No.2733 forthwith.

For Petitioner : Mr.S.Palanivelayutham,

For R1 to R4 : Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition is filed as against the patta issued in the name of the sixth respondent in patta No.5771 for the property in S.No.1153 situated in Sivalarkulam Village, Alangulam Taluk, Tenkasi District.

2.The learned Counsel appearing for the petitioner submits that the subject property in S.No.1153 at Sivalarkulam Village is the property belongs to the petitioner and she has purchased it by way of a registered



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sale deed, dated 23.05.2006 from Ilangavathi Ammal in Document No. 1511/2006. However, the sixth respondent, by creating a forged document has obtained a patta fraudulently from the Tahsildar/third respondent. He further submits that the original patta stands in the name of Ilangavathi Ammal and the petitioner, however, without issuing notice to the said Ilangavathi Ammal and the petitioner/the subsequent purchaser, the third respondent has transferred the patta in the name of the sixth respondent. He also submits that since the order has been passed behind her back, the petitioner was not aware of the order passed by the third respondent and on knowing the same, she has filed this petition.

3.The petitioner is having a remedy under the Tamilnadu Patta Passbook Act. Appeal provision is available under Section 12 of the said Act. As per Rule 14 of the TN Patta Pass Book Rules, the appeal as against the orders of the Tahsildar has to be filed within a period of thirty days. In this case, the petitioner claims that she was not aware of the order passed by the Tahsildar in the year 2021 and the order has been passed behind her back that too without issuing any notice to her vendor, namely, Ilangavathi Ammal and also to her.



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4.Since the petitioner is having a remedy, this writ petition is disposed of with liberty to the petitioner to file the statutory appeal under the Tamilnadu Patta Passbook Act, within a period of four weeks, from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

5.In the event if an appeal is filed within the stipulated time, the Revenue Divisional Officer, Tenkasi/second respondent shall entertain the appeal without insisting on the period of limitation.

16.10.2024

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

LR



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B.PUGALENDHI, J.

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