



W.P(MD)No.24283 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24283 of 2024 and
WMP(MD) Nos.20534 & 20535 of 2024

Sait. S. Hari Ram

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
The Sub Collector, Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.

4.I.Sahayam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned notice



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issued by the 2nd respondent in Ne.Mu. A3/6877/2023, dated 15.03.2024 and quash the same and consequently direct the respondents not to mutate the sub division patta No. 2345 relating to S.No.925/2 in the name of the petitioner.

For Petitioner	: Mr.N. Muthu Vijayan,
For R1 to R3	: Mr.D.S.Nedunchezian
	Government Advocate

ORDER

The petitioner, who is claiming to be the owner of a property in S.No.925/2, Ariyanayagipuram Village, Cheranmahadevi Taluk, has filed this writ petition, challenging the order passed by the Sub Collector, Cheranmahadevi in Ne.Mu.A3/6877/2023, dated 15.03.2024.

2.The above order has been passed by the Sub Collector, Cheranmahadevi, on the application filed by one Sahayam/the fourth respondent herein and based on the order passed by this Court in WP(MD) No.583 of 2024, dated 11.01.2024. One Sahayam/the fourth respondent has filed an application for change of patta for the



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land in S.No.885/1C, North Ariyanayagipuram II Village, Cheranmahadevi Taluk to an extent of 5.53.50 Hectares, which is according to him, has been wrongly entered in Patta No.732 in the name of one Adhilingam. The Sub Collector, Cheranmahadevi, has passed an order to delete the name of the said Adhilingam and to incorporate the name of the said Sahayam in Patta No.732 and also in Patta Nos.1128 and 2130 for the lands in S.Nos.925/1 and 925/2. According to the petitioner, the land in S.No.925 originally belonged to one Puvaiah Nadar and he had sold the property to one E.P.Perumal Nadar, by way of a registered sale deed in Doc.No.1148 of 1932. After his demise, the property was devolved on his son, namely, E.P.P.Ganesan, who had sold the same through his power of attorney, in favour of one Athimola Vignesh, by way of a registered sale deed in Doc.No.1880/2015 and patta for the said property in Patta Nos.1128 and 2130 stand in the name of Athimola Vignesh. Thereafter, the said Athimola Vignesh had gifted the same to his brother Sait.S.Hari Ram/the petitioner herein, by a gift deed, Doc No.718/2020, dated 05.06.2020 and the petitioner has mutated the



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patta No.2130 to Patta No.2345 in the year 2020 and since then, he is in possession of the subject property. While this being so, the Sub Collector, without issuing any notice to this petitioner, has passed an order for effecting changes in the document pertaining to the land in S.No.925/1 and 925/2, that too, on the application filed by one Sahayam for change of patta for the land in S.No.885/1C.

3.Mr.D.S.Nedunchezian, learned Government Advocate takes notice for the official respondents. Considering the relief to be granted to this petitioner, notice to the private respondent is dispensed with.

4.Heard the learned counsel for the petitioner and also perused the materials placed on record.

5.The order impugned in this writ petition is the order passed by the Sub Collector, Cheranmahadevi, under the Tamilnadu Patta Pass Book Act, 1983. The impugned order also refers the



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review provision available under the Tamil Nadu Patta Pass Book Act, 1983, before the District Revenue Officer. However, this petitioner is not a party to the proceedings of the Sub Collector in Ne.Mu.A3/6877/2023, dated 15.03.2024. The petitioner claim his title over the property in S.No.925/1 and 925/2 by producing a registered document that this petitioner's predecessor in title has purchased the said property by way of a registered document.

6.Since the petitioner claims that he is having right over the property in S.No.925 and the Sub Collector has passed an order to include the name of one Sahayam in the documents pertaining to the petitioner's land, on the application filed by the said Sahayam, for change of patta with regard to the land in S.No.885/1C, this writ petition is disposed of with the following directions:-

- i. Liberty is granted to the petitioner to file a review application, as against the order passed by the Sub Collector, Cheranmahadevi, in Ne.Mu.A3/6877/2023, dated 15.03.2024, before the District Revenue Officer,



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Tirunelveli, within a period of three weeks from the date of receipt of a copy of this order.

ii. It is made clear that though the petitioner is not a party to the above proceedings of the Sub Collector, leave is granted to him to file a review application, enabling him to work out his remedy before the District Revenue Officer.

iii. In the event, if the petitioner has preferred an application to review the order passed by the Sub Collector, Cheranmahadevi, within the time stipulated by this Court as stated supra, the same shall be considered by the District Revenue Officer, Tirunelveli, without insisting upon the limitation.

iv. In the event, if any application is filed by Athilingam



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(refer the proceedings of the Sub Collector, Cheranmahadevi in Ne.Mu.A3/6877/2023, dated 15.03.2024) as against the impugned order, the same shall be disposed of along with the application to be filed by the petitioner herein, within a period of four months from the date of receipt of a copy of this order.

- v. The petitioner is also at liberty to work out for any interim relief, if required, before the District Revenue Officer, Tirunelveli.

No costs. Consequently, connected Miscellaneous Petitions are closed.

16.10.2024

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

To



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- The District Revenue Officer, Tirunelveli.



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B.PUGALENDHI, J.

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