



**W.P.(MD) No.27245 of 2024**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.11.2024**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE N.MALA**

**W.P.(MD) No.27245 of 2024**

S.Murugan

...

Petitioner

-vs-

1.The Revenue Divisional Officer,  
Thoothukudi District.

2.Melvin Prabhu

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the first respondent to cancel patta in patta No.2330 corresponding to land in Survey No.111 A, Jameen Punja Servaikaranmadam, Pudukottai Sub Registrar, Thoothukudi district, based on petitioner's representation, dated 18.07.2024.

For Petitioner : Mr.C.Venkatesh

For Respondent 1 : Mr.M.Muthumanikkam,  
Govt. Advocate.



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**ORDER**

Petitioner has filed this Writ Petition for a mandamus, directing the first respondent to cancel the patta in Patta No.2330 with respect to the land in Survey No.111 A, Jameen Punja, Servaikaranmadam, Pudukottai Sub Registrar, Thoothukudi district, based on petitioner's representation, dated 18.07.2024.

2. Petitioner submits that the property in Survey No.111 A, Jameen Punja, Servaikaranmadam, Pudukottai Sub Registrar, Thoothukudi district, to an extent of 22 cents originally belonged to his father, who purchased the same from one Palraj through sale deed, dated 15.12.1993. Subsequent to the said purchase, the petitioner's family was in possession and enjoyment of the same. After the death of the petitioner's father, the property was inherited by the petitioner and his brothers and sisters. The petitioner filed a suit for partition of the said property against his brothers and sisters in O.S.No.190 of 2016, on the file of District Munsif Court, Srivaikundram, and a preliminary decree was passed on 29.01.2018. The petitioner states that final decree proceedings are pending. While so, the



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persons unconnected with the property obtained patta in their name and, therefore, the petitioner gave a representation to the first respondent on 18.07.2024 to cancel the patta in the name of third persons, namely, Winston Daniel, Venkatesh Perumal, Nagarajan and Melvin Prabhu. Since the petitioner's representation was not considered, the petitioner has filed the present writ petition for the above said relief.

3. The learned Government Advocate submitted that instead of filing the appeal in proper format, the petitioner has filed the representation and so a direction may be issued to the petitioner to file the appeal within a time frame.

4. It is seen that the patta was issued by Tahsildar in Patta No. 2330 in favour of one Melvin Prabhu for the said property. The petitioner submitted a representation for cancellation of the said patta.

5. As rightly contended by the learned Government Advocate, the petitioner has a right of appeal before the first respondent. Therefore, instead of dismissing the Writ Petition, a direction is issued to the petitioner to prefer an appeal to the first respondent under Section 12 of the Tamil Nadu Patta Pass Book Act, 1983, in proper form within a period of two weeks from the date



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of receipt of copy of this order and on receipt of the appeal, the first respondent is directed to pass orders on merit and in accordance with law within a period of twelve weeks thereafter.

6. Writ Petition is disposed of accordingly. No costs.

**18.11.2024**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Revenue Divisional Officer,  
Thoothukudi District.



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**N.MALA, J.**

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