



W.P.No.30589 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.30589 of 2025
and WMP No.34281 of 2025

Kittathal

: Petitioner

Vs.

1.The District Revenue Officer,
Tiruppur District

2.The Revenue Divisional Officer,
Tiruppur District

3.The Zonal Deputy Tahsildar,
Tiruppur South Taluk,
Tiruppur District

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in online order dated 9.11.2024 in Application No.2024/0103/32/617796 and quash the same and consequently direct the 3rd respondent to restore the patta Nos.3422, 3421, 2915, 2914, 2873, 2737, 2874, 3420, 3087 in patta passbook and in the revenue records as per proceedings in T.R.2020/0103/32/287935 dated 31.12.2020 T.R.2020/0103/32/288938 dated 6.01.2021 for properties covered in partition deed in Doc.No.11304/2020 registered at Joint Sub Registrar Tiruppur District.

For Petitioner

: Mr.I.Abrar Md. Abdullah



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For Respondents : Mr.A.Selvendran,
Special Government Pleader
for respondents 1 to 3

Mr.Sunny Sheen
Mr.Ravi
Mr.Arokiasamy
for proposed respondents

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed challenging the proceedings dated 09.11.2024 on the premise that the petitioner's request for issuance of patta in his name with respect to subject property was rejected on the premise that suit is pending.

3. The impugned order appears to indicate that a suit is pending but does not set out the details of the suit viz. the suit number nor the court before which the suit is pending.

4. At this juncture, learned counsels Mr.Sunny, Mr.Ravi and Mr.Arokiasamy



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representing the proposed respondents would submit that suit in respect of very same subject property is pending.

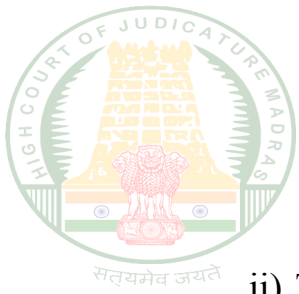
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5. Learned Special Government Pleader for respondents 1 to 3 would submit that during the pendency of the suit in view of Rule 4(4) of the Tamil Nadu Patta Passbook Rules, 1987 which imposes a bar, mutation of patta may not be permissible.

6. This Court is not inclined to go into the above question inasmuch as the short ground on which the impugned order is challenged is on the premise that it is a non speaking order. This court finds merit in the above submission inasmuch as impugned order is completely bereft of particulars and contains only the conclusion. The challenge being only on the ground of violation of principles of natural justice, this Court is of the view that the impugned order is non speaking, thus stands vitiated.

7. In view thereof, this court is inclined to dispose of the writ petition with following directions:

i) The impugned order dated 09.11.2024 is set aside.



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ii) The appropriate authority/respondent shall issue notice, conduct enquiry and afford a reasonable opportunity of hearing to petitioner and all other interested parties including rival claimants, if any, particularly, the parties who were represented by learned counsels, Mr.Sunny, Mr.Ravi and Mr.Arokiasamy and thereafter decide the matter and pass speaking order, within a period of twelve (12) weeks from the date of uploading of web copy without waiting for the receipt of certified copy.

iii) Though facts have been set out in affidavit, in view of the limited relief that is sought to be granted, I do not propose to examine the same, lest it may influence the authority. The authority shall independently consider the facts and law set out in the case and pass appropriate order in accordance with law including but not limited to the provisions of the Tamil Nadu Patta Pass Book Act and Rules.

iv) It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. Rights and contentions of the petitioner and all other interested parties are left open.

8. Accordingly, the writ petition stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.



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Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To

- 1.The District Revenue Officer,
Tiruppur District
- 2.The Revenue Divisional Officer,
Tiruppur District
- 3.The Zonal Deputy Tahsildar,
Tiruppur South Taluk,
Tiruppur District



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MOHAMMED SHAFFIQ, J.

(mrn)

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