



W.P.No.22196 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.22196 of 2018

and

W.M.P.Nos.26012 of 2018, 3771 & 22110 of 2019

1.R.Rajalakshmi

2.R.Gokulraj

3.R.Yoganandhini

.. Petitioners

Vs.

1.The District Revenue Officer,
Villupuram,
Villupuram District.

2.Chinnaponnu

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned order made in Na.Ka.Aa3/27354/2017 dated 20.06.2018 passed by the 1st respondent, quash the same.



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W.P.No.22196 of 2018

For Petitioners : Mr.N.Manokaran
For R1 : Mr.M.R.Gokul Krishnan
Additional Government Pleader
For R2 : Mr.V.Sundarraman

ORDER

This writ petition has been filed challenging the impugned notice issued by the 1st respondent dated 20.06.2018.

2.Heard the learned counsel for the petitioners, learned Additional Government Pleader for the 1st respondent and the learned counsel for the 2nd respondent.

3.The case of the petitioners is that their mother became entitled to the subject property by virtue of a partition deed dated 31.05.2000, wherein 17 cents was allotted in favour of the 1st petitioner's husband Ramalingam. The 2nd respondent was claiming right over the property and hence, filed O.S.No.211 of 2009 on file of the learned District Munsif Court, Sangarapuram, against the mother-in-law and three other



W.P.No.22196 of 2018

WEB COPY

purchasers for declaration and permanent injunction on the ground that the sale deed is non-est in the eye of law. The suit itself came to be dismissed for default on 02.07.2013.

4.The 2nd respondent thereafter filed an appeal before the RDO, Kallakurichi, seeking for grating patta and the same was allowed. Aggrieved by the same, the petitioners filed revision petition before the 1st respondent and the 1st respondent through the proceedings dated 26.02.2012 set aside the order passed by the RDO and allowed the revision. Accordingly, the Tahsildar was directed to effect mutation of the names of the petitioners in the revenue records. Patta was also issued in the name of the petitioners. While so, the 2nd respondent once again approached the 1st respondent and gave a representation dated 28.09.2017. Based on the same, once again notice was issued to the petitioners to attend for enquiry. Aggrieved by the same, the present writ petition has been filed before this Court.

5.In the considered view of this Court, the original order that was passed by the 1st respondent dated 27.05.2017 was on merits. In this order,



W.P.No.22196 of 2018

WEB COPY

the order passed by the RDO was set aside and the revenue records was directed to be mutated in the names of the petitioners. If according to the 2nd respondent, if such an order was passed without affording an opportunity and without considering the documents, such an order ought to have been put to challenge and the 2nd respondent cannot once again make a representation before the 1st respondent and seek for re-hearing of the matter. The 1st respondent is exercising the power that has been given under Section 13 of the Patta Passbook Act and once the order is passed by the 1st respondent, the said authority becomes a *functus officio*. In view of the same, there is no question of the 1st respondent once again considering the whole issue on merits. The 2nd respondent having missed the bus by not challenging the order passed by the 1st respondent, cannot once again revive the matter by submitting a representation before the 1st respondent. The 1st respondent lacked the power and jurisdiction to rehear the matter based on the representation made by the 2nd respondent. If at all the 2nd respondent has any right, she can only work out the same before the competent Civil Court, if she is otherwise entitled in law.



W.P.No.22196 of 2018

6.In view of the above discussion, the impugned notice issued by the 1st respondent in Na.Ka.Aa3/27354/2017 dated 20.06.2018 is hereby quashed and this Writ Petition stands allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

10.03.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

The District Revenue Officer,
Villupuram,
Villupuram District.



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W.P.No.22196 of 2018

N.ANAND VENKATESH, J.

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W.P.No.22196 of 2018

10.03.2025