

W.A.No.1403 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

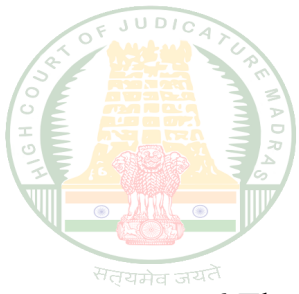
**W.A.No.1403 of 2022
and
C.M.P.Nos.8983 & 8985 of 2022**

S.Selvaraj

.. Appellant

VS

- 1.The District Collector,
Office of the District Collector,
Kallakurichi District-606 202.
- 2.The Revenue Divisional Officer,
Kallakurichi Revenue Division,
Kallakurichi District-606 202.
- 3.The Zonal Deputy Tahsildar,
Office of the Tahsildar, Sankarapuram Taluk,
Kallakurichi District- 606 401.
- 4.The Village Administrative Officer,
Ulagalapadi Village, Sankarapuram Taluk,
Kallakurichi District-605 702.
- 5.The Superintendent of Police,
District Police Office,
Kallakurichi District-606 213.



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6.The Inspector of Police,
Vadaponparappi Police Station,
Sankarapuram Circle,
Kallakurichi District-605702.

7.The Sub Inspector of Police,
Vadaponparappi Police Station,
Sankarapuram Circle,
Kallakurichi District 605702.

8.Ananthan

9.Irudhayaraj

.. Respondents

Prayer : Appeal filed under Clause 15 of Letters Patent to set aside the order passed in Writ Petition No.13159 of 2022 dated 19.05.2022 and allow the Writ Appeal.

For Appellant : Mr.J.Venkatraman

For Respondents : Mr.A.Selvendran, (for R1 to R7)
Special Government Pleader

No Appearance (for R8 & R9)

JUDGMENT

(Delivered by Dr. ANITA SUMANTH..J)

The appellant is aggrieved by order dated 19.05.2022 disposing a writ petition filed by him, in a manner adverse to him.

2.The prayer of the appellant was as against the issuance of a patta



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issued on 05.04.2022 where the name of one Ananthan, who was arrayed as R8 in the writ petition, had been included. The patta related to the property at Grama Natham S.No.12A/51 (old No.12A/1) admeasuring 0.12 ½ cents, Ulagalapadi Madhura, Saveriyarpalayam Village, Sankarapuram Taluk, Kallakurichi District (property/property in question).

3.The appellant claims to have been issued a patta bearing No.138 in respect of the property in question. There is some ambiguity in respect of the measurements of the property itself insofar as the patta reflects the extent of land to be 4 ares, whereas in the writ affidavit the extent of the land is shown to be 0.11 ½ cents, which has been reiterated by the learned Judge in the impugned order.

4.The appellant attempts to explain this away as typographical errors. However, we desist from referring to any of the factual details including the measurements and leave it to the parties to sort out with the authorities, in light of the conclusion that we have arrived at in this order.

5.While, according to the appellant, he has been holding a patta in respect of the property in question for many years, the impugned patta has come to be issued including therein, the name of the 9th respondent in



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the writ petition. Parallely, the Appellant was in receipt of a communication dated 17.03.2022 calling for some particulars in respect of the property in question.

6.Thus, the appellant filed a writ petition challenging the inclusion of the name of the 9th respondent without any notice to him. The writ petition has come to be disposed directing the appellant to file an appeal in terms of the Tamil Nadu Patta Pass Book Act, 1983 and aggrieved by the order, the present appeal has been filed.

7.Mr.A.Selvendran, learned Special Government Pleader would seek to defend the writ order stating that no prejudice is caused to the appellant as proceedings have already been issued calling for particulars for verification of his patta. We disagree for the reason that such proceedings ought to have preceded the inclusion of the name of the third party in the patta, and not have been issued after such inclusion.

8.Needless to say, if at all the proposed verification and enquiry reveals that the appellant is not the proper holder of patta of the subject property, the State is entitled to effect necessary amendments. However, amendment of the patta even prior to conduct of the enquiry is putting the cart before the horse.

9.Hence, impugned order dated 19.05.2022 is set aside and as a



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consequence proceedings dated 05.04.2022 stand quashed. The 2nd

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Respondent/Revenue Divisional Officer (RDO) shall conduct an enquiry after issuing notice both to the appellant, private respondents as well as any others, who they believe may be necessary/impugned parties, hearing them and thereafter pass orders within a period of four (4) months from date of receipt of a copy of this order.

10. The subject property shall not be dealt with by the appellant for a period of four (4) months from today or till orders are passed as aforesaid, whichever is earlier.

11. This writ appeal is allowed in terms of this order. No costs. Connected miscellaneous petitions are closed.

[A.S.M., J] [N.S., J]
16.06.2025

Index: Yes/No
Speaking order
Neutral Citation: Yes
vs



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and
N.SENTHILKUMAR, J.

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