

W.P. No.18726 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.18726 of 2025

Venkateswari

... Petitioner

Vs.

1. The District Collector,
Office of Collectorate,
Kallakurichi District.

2. The Revenue Divisional Officer,
Office of Revenue Division,
Kallakurichi District.

3. The Tahsildar,
Chinnasalem and Taluk,
Kallakurichi District.

4. Meenakshi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider my representation dated 05.04.2025 and not change patta to the 4th respondent or any other person name in bearing Survey No.45/1C, 10, 4, 93/1, 2, 3, 221/6, 7, 8, Thottapadi Village, pending disposal of the suit in O.S.No.673 of 2024 on the file of the Principal Sub Court at Kallakurichi.



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For Petitioner(s)

: Mr.V.Gunasekar

For R1 to R3

: Mr.A.Selvendran

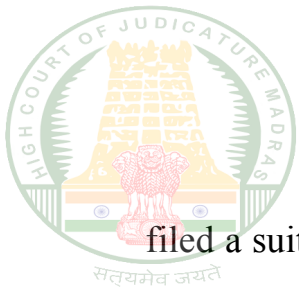
Special Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to the 4th respondent is dispensed with.

2. The present writ petition is filed praying for a writ of mandamus, to direct the Respondent Nos.1 to 3 to consider the petitioner's representation dated 05.04.2025, requesting not to change Patta to the 4th respondent or any other person for the property comprised in Survey No.45/1C, 10, 4, 93/1, 2, 3, 221/6, 7, 8, Thottapadi Village, pending disposal of the suit in O.S.No.673 of 2024 on the file of the Principal Sub Court at Kallakurichi.

3. It is submitted by the learned counsel for the petitioner that the land bearing Survey No. 45/1C, 10, 4, 93/1, 2, 3, 221/6, 7, 8 covering an extent of 2 Acre 13.5 Cents situated in Thottapadi Village belongs to the petitioner's father viz., Dharmalingam. It is further submitted that the 4th respondent had earlier

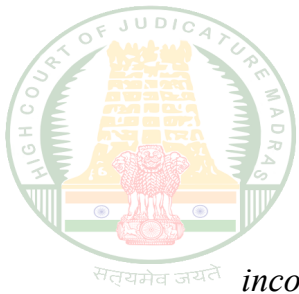


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filed a suit in O.S.No.27 of 2015 seeking partition and the same stood dismissed

by the Principal District Munsif Court, Kallakurichi, vide order dated 31.07.2023. Thereafter there was a settlement deed which was executed by the petitioner's father to the 4th respondent vide Document No.2420/2024. The petitioner had filed a suit in OS No.673 of 2024 wherein the petitioner's father and the 4th respondent has been arrayed as parties seeking for a declaration that the settlement deed in Document No.2420/2024 is null and void. The same is stated to be pending. It is further submitted by the learned counsel for the petitioner that the 4th respondent is now trying to mutate the revenue record including the Patta.

3.1. The learned counsel for the petitioner would submit that the petitioner had filed a representation dated 05.04.2025 seeking not to change the patta in favour of the 4th respondent which presently stands in the name of the petitioner's father. The learned counsel for the petitioner would also place reliance on the judgment of this Court in W.P.No.262 of 2018 to submit that during the pendency of a suit wherein the title is under dispute, authorities under the Patta Passbook Act would exercise restraint and the applicants shall approach the competent authority only after resolving the issues in the Civil Court of law. The relevant portions of which is extracted hereunder:



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“33. In view of the anomalous situation created on account of the inconsistency in dealing with the grievances of the aggrieved persons, this Court is inclined to pass the following orders:

(1) The Commissioner of Land Administration is directed to issue orders to all the competent authorities under his control across the State of Tamil Nadu to maintain registers for entertaining the applications/representations/appeals filed in a prescribed format by complying with the procedures under the Patta Pass Book Act, 1983 and the Rules in force.

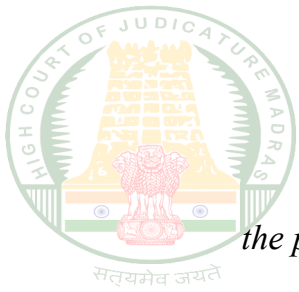
(2) Every such application filed by the aggrieved persons are to be registered in the book of register and serial number has to be assigned in the order of seniority and such seniority assigned must be informed/communicated to the applicants/appellants.

(3) All the applications/appeals by the respective parties are to be taken up for hearing/enquiry in the order of seniority as far as possible and without causing any discrimination amongst the similarly placed applicants/appellants. Priority for hearing/enquiry is to be granted only if the applicant/appellant is able to establish that there is a genuine urgency, which is to be recorded by the Competent authority, while taking up the matter for hearing/enquiry. All other applications/appeals are to be heard and disposed of in the order of seniority.

(4) An enquiry under the Patta Pass Book Act, 1983 is to be conducted by the competent authorities by following the procedures as contemplated under the Rules and by affording opportunity to the parties. The competent authorities shall refuse to grant unnecessary adjournments to the parties, who all are intending to prolong and protract the matter. Adjournments are to be granted on genuine grounds only by recording the reasons. Casual adjournments of hearing are to be avoided, which would cause prejudice to any one of the party.

(5) All applications / appeals are to be disposed of by the competent authorities within a prescribed time limits stipulated under the Government orders or by the Commissioner of Land Administration. In the event of no time limit, the authorities are expected to pass orders within a reasonable period of time i.e., within a period of six months.

(6) The respondents are directed to relegate the parties to the Civil Court of Law, if there is any disputed facts regarding civil rights between



the parties exists.

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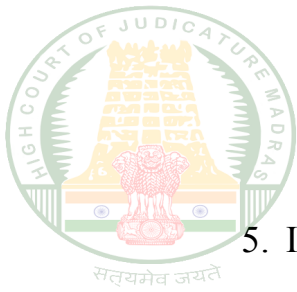
(7) The respondents are directed not to entertain applications under the Patta Pass Book Act, if the Civil Suits between the parties are pending before the Court of Law. In such circumstances, the applicants/appellants may be granted liberty to approach the competent authorities only after resolving the issues before the Civil Court of Law. The Authorities are directed to keep the revenue proceedings in abeyance till such time the civil disputes reach finality between the parties.

(8) The Commissioner of Revenue Administration is directed to issue consolidated instructions/circular to all the subordinate officials based on the orders passed by this Court and ensure proper implementation to make the public administration more efficient, since it is a Constitutional mandate.

(9) The Higher Authorities are directed to conduct periodical review to ensure that the procedures are followed scrupulously and in the event of any lapses, negligence or dereliction of duty on the part of the authorities, appropriate disciplinary actions are to be initiated under the Service Rules.

(10) The competent authorities are directed to pass speaking orders and communicate the same to all the parties concerned in the manner prescribed under the Rules of Public Administration.”

4. When this was pointed out, the learned Special Government Pleader appearing for R1 to R3 would submit that they would consider the representation dated 05.04.2025 and pass appropriate orders in accordance with law within the time frame to be fixed by this Court, which was agreed to by the learned counsel for the petitioner.



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5. In view of the above this Court is inclined to direct the appropriate respondent to consider the petitioner's representation dated 05.04.2025 and pass appropriate orders after issuing notice to the petitioner, 4th respondent and any other interested parties/ rival claimants and after affording the petitioner and 4th respondent a reasonable opportunity of hearing. It is open to the petitioner to rely upon any judicial order/decision and the appropriate respondent would consider and pass orders after taking into account any material furnished by the petitioner as well as the 4th respondent. 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.

6. Accordingly, the writ petition stands disposed of. No costs.

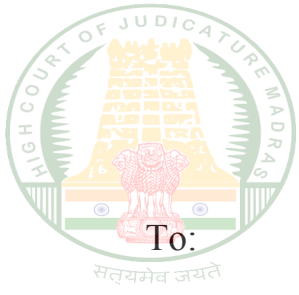
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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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Office of Collectorate,
Kallakurichi District.
2. The Revenue Divisional Officer,
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MOHAMMED SHAFFIQ, J.

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