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W.P.No.28708 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.28708 of 2024

R.Balasubramaniam

... Petitioner

Vs.

1.The Tahsildar,
Palladam Taluk,
Tirupur District – 641 664.

2.Venkatachala Gounder
3.Durai Samy Gounder
4.Muthusamy Gounder
5.Palanisamy Gounder
6.Chinnasamy Gounder

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent vide Na.Ka.No.3672/2023/A3 dated 29.08.2024 and quash the same and subsequently direct the first respondent to remove the encroachment in the schedule mentioned property.

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For Petitioner : Mr.V.Mohan
for Mr.Sunil Kumar R.

For Respondents : Mr.K.Suresh,
Government Advocate for R1

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

An 'order dated 29.08.2024 bearing reference Na.Ka.No.3672/2023/A3 made by R1 (Tahsildar, Palladam, Tirupur District)', which shall hereinafter be referred to as 'impugned order' has been assailed in the captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity].

2. Mr.V.Mohan, learned counsel representing Mr.Sunil Kumar R, learned counsel on record for writ petitioner submits that the impugned order is erroneous and requires to be examined. This Court is of the considered view that it is not necessary to delve into this aspect of the matter further in the light of what would be set out infra.

3. Issue notice to official respondent.



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4. Mr.K.Suresh, learned Government Advocate accepts notice for R1 and submits that the impugned order of R1 is an appealable order and that the appeal is vide Section 12 of 'The Tamil Nadu Patta Pass Book Act, 1983 (Tamil Nadu Act 14 of 1986)' {hereinafter 'Patta Pass Book Act' for the sake of convenience and clarity}.

5. Adverting to Rule 14 of 'The Tamil Nadu Patta Pass Book Rules, 1987' (hereinafter 'Patta Pass Book Rules' for the sake of convenience and clarity), learned counsel submits that jurisdictional Revenue Divisional Officer (RDO) is the appellate authority and the period for filing appeal is 30 days.

6. To be noted, Patta Pass Book Rules is a piece of subordinate legislation having been made by Government of Tamil Nadu in exercise of rule making power under Section 22(1) of Patta Pass Book Act.

7. Learned counsel for writ petitioner is unable to give the date on which the impugned order was served on the writ petitioner. In this scenario, on a demurrer, even if it is assumed that the impugned order was served on the writ petitioner on 29.8.2024 itself, writ petitioner has filed the captioned WP within 30 days as captioned WP

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has been filed on 20.9.2024. Therefore, by resorting to the underpinning principle qua Section 14 of The Limitation Act, 1963, we exclude this 22 day period and make it clear that it is open to the writ petitioner to file appeal under Section 12 of Patta Pass Book Act read with Rule 14 of Patta Pass Book Rules within eight days from today i.e., on or before 17.07.2025. If an appeal is filed, the same shall be considered on its own merits and in accordance with law by the appellate authority. Though obvious, we make it clear that we have not expressed any view or opinion on the merits of the matter.

8. Captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(H.C.J.)

09.07.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

The Tahsildar,
Palladam Taluk,
Tirupur District – 641 664.

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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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