IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 42661 of 2025

P.Malaiyappan

Petitioner(s)

Vs

1. The Revenue Regional Divisional Officer,
Vridhachalam, Ridhachalam Taluk
Cuddalore District.

2.The Revenue Tahsildar,
Vepput Tahsildar Office
Cuddalore District.

3.Kamalam

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent issued impugned order dated 03/10/2025 in his proceeding Mu.Mu.A3 No.856/2025 and quash the same as illegal and cancel the patta which issued in favour 3rd respondent in survey No.113 /1B subsequently issue patta in favor of petitioner based on the sale deed dated 27/12/2024 in accordance with law.

For Petitioner(s): Mr.A.Balaji

For Respondent(s): Mr.N.Naveen Kumar
Government Advocate
for R1 & R2
Mr.R.Thirumoorthy
for R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 03.10.2025 and for a consequential direction to cancel the patta that has been issued in favour of the 3rd respondent and to issue the patta in favour of the petitioner.

2.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3.The specific case of the petitioner is that the petitioner had purchased the property situated in S.No.113/1B from one Prakash through registered Sale Deed dated 27.12.2024. Earlier the patta stood in the name of Prakash in Patta No.3150.

4.The grievance of the petitioner is that without issuing notice to the petitioner, the patta was transferred in the name of the 3rd respondent through the impugned proceedings of the 1st respondent dated 03.10.2025. Aggrieved by the same, the present writ petition has been filed before this Court.

5.The learned counsel for the 3rd respondent submitted that the 1st respondent has applied his mind and also collected the report from the concerned authorities and infact, the enquiry was attended by the predecessor and therefore, the petitioner cannot be heard to complain that no opportunity was given. The learned counsel submitted that if at all the petitioner is aggrieved, the petitioner has to work out the remedy by filing the revision before the concerned authority and the petitioner cannot approach this Court under Article 226 of the Constitution of India.

6.The restraint in exercise of jurisdiction under Article 226 of the Constitution of India is more a self-imposed restriction. Even in a case where there is an alternative remedy, if the Court finds the order suffers from violation of principles of natural justice, the Court can always exercise its jurisdiction and interfere with the order.

7.In the considered view of this Court, under normal circumstances, when an order passed by the Revenue Divisional Officer is within jurisdiction, the party will have to work out the remedy before the concerned authority by way of revision and the writ petition will not be entertained. However, in the case in hand, it is seen that the petitioner was not given an opportunity and more particularly, when the patta stood in the name of the vendor of the petitioner with respect to the subject property. Hence, this Court finds that the order passed by the 1st respondent is in violation of principles of natural justice.

8.In the light of the above discussion, the order passed by the 1st respondent dated 03.10.2025, is hereby quashed and the matter is remitted back to the file of the 1st respondent and the 1st respondent is directed to issue notice to the petitioner and the 3rd respondent and afford opportunity to the parties and pass final orders in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

9.In the result, this writ petition stands allowed with the above direction. No Costs.

28-11-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
ssr

To

1. The Revenue Regional Divisional Officer,
Vridhachalam, Ridhachalam Taluk
Cuddalore District.

2.The Revenue Tahsildar,
Vepput Tahsildar Office
Cuddalore District.

N.ANAND VENKATESH J.

ssr

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