



W.P.(MD) No.836 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.836 of 2025

Ochathevan

...

Petitioner

-VS-

1 The Revenue Divisional Officer,
Usilampatti Sub Division,
Madurai District.

2 The Tahsildar,
Usilampatti Taluk,
Madurai District.

3 R.Moorthi

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.597/2024/S, dated 21.11.2024, and quash the same as illegal and unconstitutional, consequently directing the 2nd respondent to issue patta in the name of Muthaandi Thevar Vagaiyara, relating to Arulmighu



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Pattasamy Temple, situated at Sindhupatti Village, Usilampatti Taluk, Madurai District.

For Petitioner : Mr.S.Prabhu

For Respondents 1 and 2 : Mr.M.Muthumanikkam,
Govt.Advocate.

For Respondent 3 : Mr.K.R.Laxman

ORDER

This Writ Petition is filed for a certiorarified mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.597/2024/S, dated 21.11.2024, to quash the same as illegal and unconstitutional, and consequently to direct the 2nd respondent to issue patta in the name of Muthaandi Thevar Vagaiyara, relating to Arulmighu Pattasamy Temple, situated at Sindhupatti Village, Usilampatti Taluk, Madurai District.

2. The subject property in Survey No.30/9A to an extent of 420 sq.ft. at Sindhupatti Village, Usilampatti Taluk, Madurai District, originally belonged to one Pitchaithevar. On 12.07.2004, members of Muthaandi Thevar Vagaiyara of Pattasamy Thirukovil, Mayampatti, purchased the said property



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vide a registered sale deed No.490/2004 on the file of Sub-Registrar, Sindhupatti, for the purpose of worship. According to the petitioner, the said property was purchased from own funds of five persons, belonging to Muthaandi Thevar Vagaiyara. Even after that, the patta continued to stand in the name of the vendor Pitchaithevar, vide Patta No.214. The petitioner, along with Muthaandi Thevar Vagaiyara members, submitted an application for mutation of revenue records and grant of patta before the second respondent on 09.05.2024. As no action was taken, the petitioner submitted a reminder to the second respondent on 05.07.2024. Even then, the second respondent did not consider the petitioner's application for patta. In the meanwhile, one R.Moorthi – third respondent herein, son of Rama Thevar, submitted his objection to issuance of patta before the second respondent. He also filed W.P. (MD) No.24880 of 2024, seeking an opportunity of hearing to him in relation to issuance of patta to the property. In the said Writ Petition, this Court directed the second respondent to hear the objection of the petitioner therein, as requested in his representation, dated 30.08.2024. While so, the second respondent passed the impugned order, relegating the parties to Civil Court, on the ground that there was a serious civil dispute as to title, without affording an opportunity to the petitioner. Aggrieved by the impugned order, the petitioner filed the above Writ Petition for the aforesaid relief.



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3. Learned counsel for the petitioner, referring to the impugned order, submitted that the impugned order was ex facie illegal, as there was total non-application of mind on the part of the second respondent. The counsel further submitted that no opportunity was given to the petitioner as contemplated under Section 10, read with Rule 4 of the Tamil Nadu Patta Pass Book Act and Rules, before passing the impugned order and, therefore, on the said ground also, the same deserved to be set aside.

4. I have heard the learned counsel for the parties and also perused the materials on record.

5. With the consent of both parties, the main Writ Petition is taken up for final disposal.

6. In my view, the Writ Petition deserves to be allowed, on the short ground of violation of principles of natural justice and the provisions of the Tamil Nadu Patta Pass Book Act and Rules. From a reading of the impugned order, it is clear that no opportunity was given to the petitioner or the private respondent, before passing the impugned order, and, therefore, there is total violation of principles of natural justice. Section 10 of the Tamil Nadu Patta Pass Book Act, read with Rule 4 of the Tamil Nadu Patta Pass Book Rules, clearly stipulates that an opportunity of hearing be given before passing orders. As no opportunity was given both to the petitioner and also



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the third respondent as per the Act and the Rules, there is violation of the provisions of the Tamil Nadu Patta Pass Book Act and Rules. In my view, therefore, the impugned order deserves to be set aside. Hence, the same is set aside and the matter is remanded to the second respondent for fresh consideration. The second respondent shall follow strictly the provisions of Section 10 of the Tamil Nadu Patta Pass Book Act, read with Rule 4 of the Tamil Nadu Patta Pass Book Rules, by affording an opportunity to the petitioner and also the third respondent and, thereafter, pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of this order.

7. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.(MD) No.534 of 2025 is closed.

10.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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N.MALA, J.

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