BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2025

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.478 of 2023
and
W.M.P(MD)Nos.437 of 2023 & 16124 of 2025

K.V.R.Thirusenthil ...Petitioner

Vs

1.The Revenue Divisional Officer,
Pattukottai, Thajavur District.

2.Jayarathinam

3.K.V.R.Rajarathinam

4.K.Senthamizhselvan

5.R.Jayaprakash

6.S.Sivaprakasam ...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records on the file of the 1st respondent in Ni.Mu.5221/2022/A4 dated 05.12.2022 and quash the same as illegal, ultra vires and unconstitutional and for consequential orders.

For Petitioner : M/s.S.Ramesh

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1
Mr.M.L.Ramesh for
Mr.K.Pragadeesh Kumar for R2
Mrs.C.Bharathi for R3
No appearance for R4 to R6

ORDER

An order dated 05.12.2022 of the Revenue Divisional Officer is challenged in this writ petition primarily on the ground of lack of jurisdiction and authority.

2. Learned counsel for the petitioner invited my attention to order dated 06.05.2013 of the Revenue Divisional Officer, Pattukottai rejecting an application filed by the second respondent herein through his duly constituted Agent, V.E.Siva. Learned counsel points out that the Revenue Divisional Officer concluded that it is not possible to decide the dispute because both parties are placing reliance on Wills and that parties should approach the jurisdictional civil court for relief. As a result of passing such order, learned counsel submits that the Revenue Divisional Officer did not have the jurisdiction to revisit the matter by exercising powers of review or otherwise. Hence, he submits that the subsequent order dated 05.12.2022 is liable to be set aside. He also submits that the earlier order was suppressed by the second respondent.

3. In response, learned counsel for the second respondent submits that the order dated 06.05.2013 was not an order on merits. Learned counsel refutes the contention that such order was suppressed by referring to the impugned order

dated 05.12.2022 at internal page No.11 thereof. He also points out that the said order was taken into consideration, as is evident from internal page No.28 of the impugned order, and the Revenue Divisional Officer concluded that the petitioner therein (second respondent herein) had placed on record a sale deed which preceded the Will in support of title. Given the fact that the earlier order was not on merits, learned counsel submits that the Revenue Divisional Officer was entitled to adjudicate the matter on merits after taking note of documents that were not considered while issuing the earlier order.

4. The Tamil Nadu Patta Passbook Act does not confer the power of review on the Revenue Divisional Officer. On a petition filed by the second respondent through his agent Siva, the order dated 06.05.2013 was issued. The said order was issued upon consideration of the submissions of both parties and the documents submitted at that time by the parties concerned. As submitted by learned counsel for the second respondent, order dated 06.05.2013 was brought to the notice of the Revenue Divisional Officer before he issued the order impugned herein. After taking note of such order, the order impugned herein came to be issued on the basis that the second respondent herein has also placed for consideration a sale deed preceding the Will in question. The said reason does not justify the exercise of a part of review, when the statute does not confer such power on the Revenue Divisional Officer.

5. Therefore, the order impugned herein is set aside on the ground of lack of jurisdiction. The second respondent herein was entitled to file a revision petition before the District Revenue Officer against the earlier order dated 06.05.2013 of the Revenue Divisional Officer. Ordinarily, such revision should have been filed within 90 days from the date of order as per the Tamil Nadu Patta Passbook Rules. Such rules also provide for condonation of delay for sufficient cause.

6. Taking note of all the subsequent developments, this writ petition is disposed of by permitting the second respondent to file a revision before the District Revenue Officer. It should also be noticed that the revenue records were mutated in the name of the second respondent's father and subsequently in the name of the second respondent pursuant to the order impugned herein. I am not inclined to interfere with the status of revenue records as on date, which will abide by the outcome of the proceedings before the District Revenue Officer. If such revision petition is filed within 30 days from the date of receipt of a copy of this order, the jurisdictional District Revenue Officer is directed to receive and dispose of the same on merits without going into the question of limitation. The District Revenue Officer is further directed to consider and dispose of such revision petition on merits after providing a reasonable opportunity to the

petitioner and the private respondents herein within four months from the date of receipt of a copy of this order. No costs. Consequently, connected writ miscellaneous petitions are also closed.

04.11.2025
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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

The Revenue Divisional Officer,
Pattukottai, Thajavur District.

SENTHILKUMAR RAMAMOORTHY, J.

RJR

W.P.(MD)No.478 of 2023

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