BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2025

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.479 of 2023
and
W.M.P(MD)No.440 of 2023

K.V.R.Thirusenthil ...Petitioner

Vs

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

2.Jayarathinam

3.K.V.R.Rajarathinam ...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.5222/2022/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

ORDER

An order dated 05.12.2022 of the Revenue Divisional Officer is challenged in this writ petition *inter alia* on the ground that the appeal was filed belatedly by the second respondent.

2. By referring to Section 12 of the Tamil Nadu Patta Passbook Act, 1983 r/w Rule 14 of the Tamil Nadu Patta Passbook Rules, 1987, learned counsel for the petitioner contends that the appeal should have been filed within 30 days from the date of receipt of the order. By referring to the impugned order, he points out that the second respondent filed the appeal on 23.09.2022, which is long after the expiry of the prescribed 30 days.

3. This contention is refuted by learned counsel for the second respondent by pointing out that the 30 day period runs from the date of receipt of the order. He submits that the patta transfer order was not served on the second respondent and that the appeal was filed within 30 days from the date of coming to know of such order.

4. The petitioner has asserted in the counter affidavit that he was residing in Singapore and that the patta transfer was made fraudulently by the petitioner while he was outside India. There is nothing on record to indicate that the patta transfer order was communicated upon issuance to the second respondent. In those circumstances, I am inclined to extend the benefit of doubt to the second respondent with regard to the date of receipt of the patta transfer order.

5. The order impugned herein was issued after hearing the rival claimants and after considering the material documents. The petitioner has an alternative statutory remedy by way of revision under section 13 of the Tamil Nadu Patta Passbook Act. Instead of availing of such remedy, the petitioner has approached this court bonafide and has prosecuted this petition diligently. In those circumstances, this writ petition is disposed of by granting leave to the petitioner to approach the District Revenue Officer by way of revision. 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. A speaking order shall be issued within four months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the private respondents herein. It is needless to say that the District Revenue Officer is. required to decide the matter independently, albeit after taking into consideration reports from the Revenue Divisional Officer, the Tahsildar and the Village Administrative Officer and any objection in relation thereto. No costs. Consequently, connected writ miscellaneous petition is also closed.

04.11.2025
2/2

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

<u>SENTHILKUMAR RAMAMOORTHY, J.</u>

RJR

To

The Revenue Divisional Officer,
Pattukottai, Thajavur District.

<u>W.P.(MD)No.479 of 2023</u>

<u>04.11.2025</u>
<u>2/2</u>