



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.01.2025**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.656 OF 2025

and

W.M.P(MD)Nos.441,443 and 445 of 2025

1.M.Palaniyappan

2.M.Manickam

: Petitioner

.vs.

1.The District Revenue Officer,
Dindigul.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Tahsildar,
Gujiliyampareai Taluk,
Dindigul District.

4.The Zonal Deputy Tahsildar,
Gujiliyamparai Taluk,
Dindigul District.

5.The Sub-Registrar,
Gujiliyamparai,
Dindigul District.

6.Mala

7.Alaguselvan

8.Jegatheeswari

9.M.Jothilakshmi



10.T.Chandrakala

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned order, dated 21.11.2024 in T.R. 2024/0103/13/342451TR and consequential impugned order, dated 13.12.2024 in T.R.No.2024/0103/13/349154TR passed by the first respondent and quash the same and consequently restore the patta No.429 in the names of the Petitioners in respect of the subject property in S.No.377/2, Alampadi Village, earlier in Vedasandur Taluk, presently in Gujiliyamparai Taluk, Dindigul District.

For Petitioner

:Mr.J.Barathan

For Respondents
1 to 4:Mr.A.Kannan
Additional Govt.Pleader**O R D E R**

This Writ Petition is filed for a Writ of Certiorari calling for the records relating to the impugned order, dated 21.11.2024 in T.R.2024/0103/13/342451TR and consequential impugned order dated 13.12.2024 in T.R.No.2024/0103/13/349154TR passed by the first respondent and quash the same and consequently restore the patta No.429 in the names of the Petitioners in respect of the subject property in S.No.377/2, Alampadi Village, earlier in Vedasandur Taluk, presently in Gujiliyamparai Taluk, Dindigul District.



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2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The subject properties measuring an extent of 1.42 acres equivalent to 0.57.5 hectares belong ancestrally to the Petitioners. While so, the husband of the sixth respondent and father of the respondents 7 and 8 filed a suit in O.S.No.131 of 2004 before the District Munsif cum Judicial Magistrate Court, Dindigul against the Petitioners for declaration of title and consquential injunction.The suit was decreed in favour of Karuppasamy, husband of the sixth respondent and father of the respondents 7 and 8 on 20.12.2017. The Petitioners preferred an appeal and the same was dismissed on 19.2.2024. Aggrieved by the same, the Petitioners filed a Second Appeal in S.A(MD)No.;726 of 2024 challenging the concurrent judgments and decrees of the Courts below. The Second Appeal was admitted on 10.12.2024 and an order of interim suspension of the decree passed by the Courts below was passed. Patta for the subject property in Patta No.429 originally stood in the name of the Petitioners. Thereafter the fourth respondent passed the impugned order on 21.11.2024 including the names of respondents



6 to 10 in joint patta No.3495. This inclusion was made without issuing notice to the Petitioners. Thereafter the fourth respondent passed the impugned order on 13.12.2024 deleting the name of the Petitioners from the joint patta No.3495. Even the said order was passed without notice to the Petitioners. The Petitioner therefore aggrieved by the impugned orders of the fourth respondent, filed the above Writ Petition, for the aforesaid relief.

4. The learned counsel for the Petitioners submitted that though the impugned orders passed by the fourth respondent were appealable under Section 12 of the Patta Passbook Act, as the procedure contemplated under Section 10 r/w rule 4 of the Patta Passbook Rules, was not followed and as no notice of enquiry was issued and no enquiry was conducted, the Petitioner was constrained to challenge the same by filing the present Writ Petition.

5. Section 10 of the Patta Passbook Act relates to entries made in the Patta Passbook. Rule 4 of the Patta Passbook Rules provide the procedure for considering applications. Clause 3 of Section 10 clearly states that before passing an order under subsection (1), the Tahsildar shall follow such procedure as may be prescribed and shall also give a reasonable opportunity to the



parties concerned to make their representations either orally or in writing. Clause (2) and (3) of Rule 4 of the Tamil Nadu Patta Passbook Rules, provide for issuance of notice and enquiry. From the impugned orders, it is clear that the procedure contemplated under Section 10(3) and Rules 4(2) and (3) were not followed. Therefore, the impugned orders cannot be sustained and as such, the impugned orders are set aside. The matter is remitted back to the fourth respondent for fresh consideration. The fourth respondent shall issue notice to the Petitioners as well as to the private respondents, conduct an enquiry and pass orders on merits and in accordance with law and in compliance with the provisions of Section 10(3) of the Tamil Nadu Patta Passbook Act and Rule 4(2) and (3) of the Tamil Nadu Patta Passbook Rules, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is allowed. No costs.

09.01.2025

NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn



To

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- 3.The Tahsildar,
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N.MALA, J.

vsn

ORDER MADE IN
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