



W.P(MD)NO.2486 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.07.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.2486 of 2023
and
W.M.P(MD)No.2264 of 2023

S.Dharmaraj,
Son of Subbiah,
President of Idaikkal Panchayat.
Door NO.8/4, South Street,
Anaintha Nadar Patti,
Idaikal Post,
Ambasamudrm Taluk,
Tirunelveli District.

... Petitioner

.Vs.

- 1.The District Collector,
Office of the District Collector,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.



W.P(MD)NO.2486 of 2023

4.R.Jegan

5.A.Muthu Saravanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent for disposal of the appeal, dated 12.11.2022 filed under Section 12 of the Tamil Nadu Patta Passbook Act, 1983.

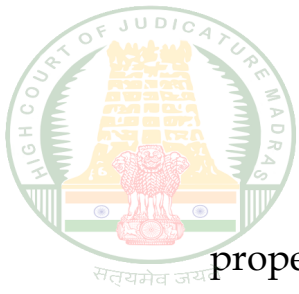
For Petitioner	: Mr.M.Mahaboob Fazil
For Respondents	: M/s.K.Malathi
1 to 3	Addl.Govt. Pleader
For Respondent-4	: Mr.P.Edin Brough

ORDER

The Writ Petition is filed seeking a direction to the second respondent to dispose of the appeal filed by the Petitioner dated 12.11.2022 under Section 12 of the Tamil Nadu Patta Passbook Act, 1983.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the Petitioner, the subject property in S.No. 361/1 originally belongs to one Muthu Saravanan. He developed lay-out in the said survey number and executed a gift deed in respect of the open space in favour of Idaikal Panchayat. Suppressing the gift in favour of panchayat, he again sold the



W.P(MD)NO.2486 of 2023

WEB COPY

property to one Sundara Mahalingam, who in turn had sold the said property to the fourth respondent. Based on the said document, patta has been mutated in the name of fourth respondent. Aggrieved by the same, the Petitioner submitted an appeal on 12.11.2022 seeking cancellation of the mutation in favour of fourth respondent and issuance of patta in the name of Panchayat. The same has not been considered till date. Hence the Petitioner is before this Court with the present Writ Petition for the relief stated supra.

4.The third respondent filed a counter stating that subsequent to the submission of the appeal filed by the Petitioner, the second respondent directed the third respondent to measure the property and to identify the encroachment if any. However, the petitioner has not produced any document executed in his favour. Therefore the measurement has not been taken place pursuant to the direction issued by the second respondent.

5.The Petitioner submitted an appeal challenging the mutation of revenue records in favour of fourth respondent. The said appeal has to be decided on merits based on the documents submitted by the Petitioner and fourth respondent.



W.P(MD)NO.2486 of 2023

WEB COPY

6.In view of the same, without expressing any opinion on the merits of the matter, the second respondent is directed to consider the appeal filed by the Petitioner, dated 12.11.2022 and pass final orders on its own merits after affording reasonable opportunity to the Petitioner and respondents 4 and 5, within a period of 8 weeks from the date of a copy of this order. Both parties are at liberty to file the documents before the second respondent.

7.With the above directions and liberty, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

09.07.2025

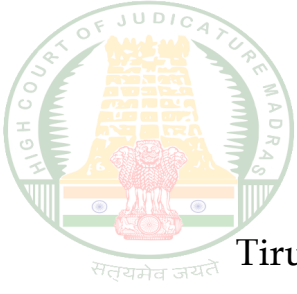
NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

- 1.The District Collector,
Office of the District Collector,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,

4/6



W.P(MD)NO.2486 of 2023

Tirunelveli District.

WEB COPY

3.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

S.SOUNTHAR.,J.

vsn

ORDER MADE IN

W.P(MD)No.2486 of 2023
and
W.M.P(MD)No.2264 of 2023



WEB COPY



W.P(MD)NO.2486 of 2023

09.07.2025