BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 08.07.2025

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.2355 of 2025
and W.M.P.(MD)No.1665, 2972 & 3483 of 2025

The Joint Commissioner/Executive Officer,
Arulmigu Shri Ramanathaswamy Thirukoil,
Rameswaram,
Ramanathapuram District. ... Petitioner

Vs

1. The Revenue Divisional Officer,
   Madurai.

2. S.Suhasini ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Prohibition, prohibiting the 1st respondent from proceeding further with her proceedings in Na.Ka.E.No. 2537353/2024/I dated 05.11.2024 as the said proceeding is without jurisdiction and against the fundamental principles of the provisions contemplated under Section 12 of Patta Passbook Act and Rule 14 of Patta Passbook Rules.

For Petitioner : Mr.Ramesh Subramaniam

For Respondents : Mr.D.S.Nedunchezian,
Govt. Advocate for R1
Mr.V.Meenakshi Sundaram for R2

ORDER

This Writ Petition is filed seeking issue of Writ of Prohibition prohibiting the 1st respondent from proceeding further in his proceedings in Na.Ka.E.No.2537353/2024/I dated 05.11.2024.

2. Heard the arguments of Mr.Ramesh Subramaniam, learned counsel for the petitioner, Mr.D.S.Nedunchezian, learned Government Advocate appearing for the first respondent and Mr.V.Meenakshi Sundaram, learned counsel appearing for the second respondent.

3. By the impugned notice, the first respondent issued enquiry notice calling upon the petitioner to appear for enquiry pertains to an application submitted by the second respondent regarding the entry in revenue records in respect of the land situated in Old S.Nos.1207/3 and 1207/2, Ward No.5, Block No.73, Town S.No.54, in Petchiamman Padithurai, Madurai -1.

4. According to the second respondent, the entry in the revenue records in favour of the petitioner was wrongly made after deleting the name of Anandapadmanabhan Naidu. On receipt of the application submitted by the second respondent, the first respondent issued the impugned notice calling upon the petitioner Devasthanam to appear for enquiry with the relevant documents to substantiate its right over the subject property.

5. The learned counsel appearing for the petitioner would submit that the first respondent has no jurisdiction to conduct enquiry, as he cannot entertain an appeal beyond the period of 30 days from the date of receipt of the order passed by the Tahsildar. Since the application submitted by the second respondent have been entertained after several years, the enquiry initiated by the first respondent is without jurisdiction.

6. The learned counsel appearing for the second respondent would submit that under Section 12 of the Tamil Nadu Patta Pass Book Act, 1983, the Revenue Divisional Officer, the first respondent herein is the appropriate authority for correction in the revenue records and hence, he can very well entertain the application filed by the second respondent. The learned counsel further submitted that in the instant case, Tahsildar has not passed any order and the date of alleged order is not known to the second respondent.

7. Section 12 of the Tamil Nadu Patta Pass Book Act, 1983 reads as follows:

> *"**12. Appeal**.*
>
> *Any person aggrieved by an order made by the Tahsildar under this Act may, within such period as may be prescribed, appeal to such authority as may be prescribed and the decision of such authority on such appeal shall, subject to the provisions of section 13, be final."*

8. Rule 14 of the Tamil Nadu Patta Pass Book Rules, 1987, reads as follows:

> *"**14. Appeal.***
>
> *An appeal against any order of the Tahsildar passed under the Act shall be filed before the officer in charge of Revenue Division in whose jurisdiction the property lies within a period of thirty days from the date of the receipt of the order."*

9. A perusal of Section 12 of of the Tamil Nadu Patta Pass Book Act, 1983 would establish that any person aggrieved by the entry in the revenue records is entitled to move the appellate authority viz., Revenue Divisional Officer, seeking correction of revenue records. In the case on hand, the second respondent filed an application before the first respondent stating that the name of petitioner Devasthanam has been erroneously included in the revenue records pertains to subject property in the place of her predecessor Anandapadmanabhan Naidu. Therefore, as an appellate authority under the Tamil Nadu Patta Pass Book Act, 1983, the first respondent has jurisdiction to entertain the application submitted by the second respondent.

10. It was contended by the learned counsel appearing for the petitioner that the application filed by the second respondent is highly belated beyond the period of limitation. Therefore, the first respondent cannot entertain the same. If the petitioner feels, the application submitted by the second respondent is out of time, it is always open to him to raise his objection before the first respondent. The first respondent who has jurisdiction to decide the complaint regrading erroneous entry in the revenue records under Section 12 of the Tamil Nadu Patta Pass Book Act, 1983, can very well decide the question of limitation also. Therefore, I do not find any ground to issue the Writ of Prohibition as prayed for.

11. Accordingly, this Writ Petition stands dismissed. However, the petitioner is at liberty to raise all his objections before the first respondent including the question of limitation. The petitioner shall file his objections before the first respondent within a period of three weeks from the date of receipt of a copy of this order. The same shall be considered by the first respondent in accordance with law and the final orders shall be passed after affording reasonable opportunity to the petitioner and the second respondent. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.07.2025

vsm

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

To

The Revenue Divisional Officer,
Madurai.

S.SOUNTHAR, J.

vsm

W.P (MD) No.2355 of 2025

08.07.2025