



W.P.(MD)No.3330 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.3330 of 2025

and

W.M.P.(MD)Nos.2339 & 2340 of 2025

V. Rose

... Petitioner

Vs.

1. The Revenue Tahsildar

Karambakudi Taluk,

Pudhukottai District.

2. A.Venkatesan

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in Tho.Mu.Pe.D.R/5627/2024, A4 dated 27.12.2024 and quash the same as illegal

For Petitioner : Mr.M.Mohamed Zamil,
for M/s.Ajmal Associates

For Respondents : Mr.B.Saravanan,
Additional Government Pleader, for R1

: Mr.R.Paranjothi,
for M/s. KBS Law Office for R2



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ORDER

The petitioner challenges the proceedings of the first respondent in Tho.Mu.Pe.D.R/5627/2024, A4 dated 27.12.2024.

2. I have heard Mr.M.Mohamed Zamil, the learned counsel appearing for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing for the first respondent and Mr.R.Paranjothi, learned counsel appearing for the second respondent.

3. On 05.02.2025, when the writ petition was listed for admission, I issued notice to the second respondent and also granted interim stay. Thereafter, the second respondent has appeared and also filed a counter objecting to the prayer sought for by the writ petitioner.

4. The writ petition has been taken up for final disposal, with the consent of the learned counsel for the petitioner and the learned counsel for the second respondent.



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5. The learned counsel for the petitioner would submit that when patta was already issued in the name of the petitioner, before modifying any entry in the patta, an opportunity ought to have been given to the petitioner and without giving an opportunity to the petitioner to even explain the patta which has been given for a lesser extent, the impugned order has been passed. Therefore, he seeks for the matter to be remitted to the Tahsildar for fresh consideration.

6. Per contra, Mr.Paranjothi, learned counsel appealing for the second respondent would invite my attention to the FMB and also the subdivision already effected to survey Nos. 810 as 810 /1, 1810/2 and 810/3 even as early as in 2001 and contend that there is no land available on ground as reflected in the sale deed of the petitioner, patta was issued for a lesser extent. He would therefore submit that the order passed by the Tahsildar does not require any interference.

7. Considering the arguments advanced by the learned counsel on either side, the fact remains that the impugned order has been passed



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behind the back of the petitioner. When the subject survey number concerns the writ petitioner, an opportunity by way of personal hearing, after issuing notice, ought to have been granted by the first respondent.

8. On perusal of the impugned order, I do not find any reference to any notice has been served or even issued to the petitioner. Therefore, the impugned order affecting and prejudicing the rights of the petitioner, without notice to him cannot be sustained. The learned counsel appearing for the second respondent would fairly submit that the parties may be directed to maintain status quo and the Revenue Divisional Officer may be called upon to enquire into the claims of the petitioner and after hearing the objections of the second respondent, the Revenue Divisional Officer can pass final orders, so that based upon the same, further mutation of records can be effected in terms of the final orders passed by the Revenue Divisional Officer. I find force in the said submission of the learned counsel for the second respondent.

9. Admittedly, even according to the petitioner, there is a correction required in the patta, which according to petitioner reflects lesser extent



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and in this regard he has already given a representation on 07.02.2025 to the Tahsildar and also sought for survey and demarcation of his property vide application dated 21.02.2025. In order to avoid any further litigation between the parties, it would be just and proper to direct the Revenue Divisional Officer, Pudukkottai, to conduct an enquiry after issuing notice to the petitioner as well as second respondent and after giving an opportunity to the petitioner and the second respondent and considering all the documents relied on by the respective parties, the Revenue Divisional Officer, Pudukkottai, shall pass final orders within a period of four weeks from the date of commencing the enquiry, which shall not be later than 15.04.2025.

10. The Additional Government Pleader submits that there is no appeal preferred by the petitioner as against the order of the Tahsildar. However, considering the fact that the said order has been challenged by way of this writ petition, the writ petition may be treated as an appeal before the Revenue Divisional Officer, Pudukkottai and on the basis of the same, Revenue Divisional Officer, Pudukkottai, shall decide the matter on merits and in accordance with law. It is made clear that till a



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final decision of the Revenue Divisional Officer, Pudukkottai, is made, both the parties, viz., the petitioner and the second respondent, shall maintain status quo.

11. This Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

20.03.2025

To

1. The Revenue Tahsildar
Karambakudi Taluk,
Pudhukottai District.

Copy to

The Revenue Divisional Officer,
Pudukkottai.



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P.B. BALAJI, J.

LS

Note: Issue order copy on 04.04.2025.

Order made in
W.P.(MD)No.3330 of 2025
and
W.M.P.Nos.2339 & 2340 of 2025

Dated:
20.03.2025