



W.P.(MD)No.4952 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.4952 of 2025

M.Sethu

.... Petitioner

/Vs./

1.The District Revenue Officer,
O/o.District Revenue Officer,
Theni.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Tahsildar,
Taluk Office,
Theni.

4.The Taluk Surveyor,
Taluk Office,
Survey Section,
Theni.

5.A.Silambarasan

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in Na.Ka.No.1493/2024/A3 dated 13.09.2024 on the file of the Tahsildar, Theni, the third respondent herein and quash the same and consequently, direct the Tahsildar, the third respondent to conduct fresh enquiry based on the earlier proceedings of the Revenue Divisional Officer, Periyakulam in Na.Ka.No.5930/2018/A1 dated 09.03.2022 and the proceedings of the District Revenue Officer, Theni in Na.Ka.No.22962/2022/D1 dated 28.12.2022 and to make subdivisions and grant patta in the name of the petitioner.

For Petitioner : Mr.S.Siva Thilakar

For R1 to R4 : Mrs.K.Malathi
Additional Government Pleader

ORDER

The petitioner challenges the impugned order passed by the third respondent Tahsildar in Na.Ka.No.1493/2024/A3, dated 13.09.2024.

2. With the consent of the parties, the writ petition itself is taken up for final disposal.



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3. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents.

4. The grievance of the petitioner is that despite the detailed enquiry conducted by the Revenue Divisional Officer as well as the District Revenue Officer on 09.03.2022 and 28.12.2022 respectively, the Tahsildar, ignoring the said orders of the superior authorities, has passed the impugned order directing the petitioner to approach the Civil Court only on the ground that there is an excess extent of land exchange.

5. The learned counsel for the petitioner, on instructions, would submit that there is no necessity for the parties to be relegated to the Civil Court and moreover, the petitioner is willing to accept the lesser extent of 4133.125 square feet which has been purchased under the document in No.9381/2013, dated 26.12.2013. Virtually, the petitioner is not claiming in respect of the excess land of 376.875 sq.ft. That being the position and in view of the earlier positive findings of the Revenue



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Divisional Officer as well as the District Revenue Officer, there can be no impediment for the Tashildar to consider the petitioner's application for sub-division and issuance of fresh patta. The petitioner has also impleaded one Silambarasan as the fifth respondent, who appears to be objecting to the subdivision and issuance of fresh patta.

6. Though the learned counsel for the petitioner submits that the said Silambarasan participated before the Revenue Divisional Officer and also the District Revenue Officer, the fifth respondent has not sought to challenge any of the proceedings on the file of the first and second respondents. In the interest of justice, it will be proper to hear the fifth respondent also before any final orders are passed.

7. In the light of the above, the writ petition is allowed and the impugned order of the third respondent is set aside. The matter is remitted to the third respondent Tahsildar to reconsider the proceedings on merits and in accordance with law, taking into account the proceedings on the file of the Revenue Divisional Officer as well as the District Revenue Officer, dated 09.03.2022 and thereafter pass orders on



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the petitioner's application for subdivision and issuance of patta. It is needless to state that the petitioner and the fifth respondent shall be given an opportunity of hearing before any final order is passed. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Index : Yes / No
NCC : Yes / No
am

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- 3.The Tahsildar,
Taluk Office,
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- 4.The Taluk Surveyor,
Taluk Office,
Survey Section,
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P.B. BALAJI, J.

am

Order made in
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Dated:
24.02.2025