



W.P(MD)No.6544 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P(MD)No.6544 of 2025

1. Krishnasamy

2. Murugaraj

... Petitioners

Vs

1. The District Collector,
O/o.The District Collector,
Tirunelveli District.

2. The District Revenue Officer,
O/o.The District Revenue Officer,
Tirunelveli District.

3. The Revenue Thasildhar,
O/o.The Revenue Thasildhar,
Manur,
Tirunelveli District.

4. The Thasildhar,
O/o.The Thasildhar,
Manur,
Tirunelveli District.

5. Sudalaimani

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Na.Ka.D1/478/2024 dated 07.11.2024 issued by the 3rd respondent and set aside the same as illegal subsequently directing the respondent no.4 to issue a separate patta in the 2nd petitioner name.

For Petitioners : Mr.Naresh Prabu A,

For R1 to R4 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioners challenge the order passed by the Tahsildar rejecting their application for issuance of separate patta.

2.Heard the learned Counsel for the petitioners and Mr.B.Saravanan, learned Additional Government Pleader for the respondents 1 to 4.

3.Though the writ petitioners challenge the order of the Tahsildar, dated 07.11.2024, which has been passed on the ground that there is a



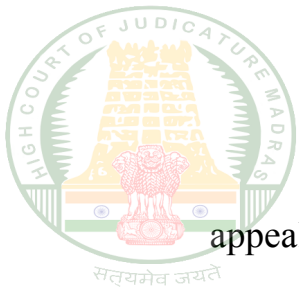
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civil dispute pending in O.S.NO.335 of 2020, the learned Counsel for the petitioners would submit that the said suit is not related in any manner to the petitioners' property and hence, he would submit that the impugned order is liable to be set aside.

4.However, as rightly contended by Mr.B.Saravanan, learned Additional Government Pleader, the statute provides for filing of an appeal. If the petitioners are aggrieved by the order of the Tahsildar, an appeal shall be preferred before the Revenue Divisional Officer concerned.

5.Admittedly, the petitioners without availing of the statutory appeal remedy available under the Tamil Nadu Patta Pass Book Act, have straight away approached this Court. I do not find any grounds that there has been any violation of principles of natural justice or that fair opportunity has been denied to the petitioners.

6.In such view of the matter, it would be proper for the petitioners to exhaust the appeal remedy available under the Tamil Nadu Patta Pass Book Act. However considering the fact that the time for preferring an



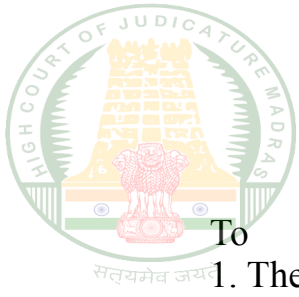
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appeal may have lapsed, this writ petition is disposed of with liberty to the petitioners to prefer an appeal before the Revenue Divisional Officer, Tirunelveli District, within a period of two weeks from the date of receipt of a copy of this order and if such appeal is preferred within the time frame said out hereinabove, then the Revenue Divisional Officer, Tirunelveli District, shall entertain the appeal without rejecting it on the ground of delay or limitation and shall consider the contentions of the petitioners, on merits and in accordance with law and disposal of the appeal, within a period of eight weeks thereafter. No costs.

12.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No

LR



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To

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P.B.BALAJI, J.

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