

W.P.(MD)No.6777 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM

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

W.P.(MD)No.6777 of 2025

and

W.M.P.(MD).No.5041 of 2025

S.Dinakaran

: Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai District.

3.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

4.The Taluk Surveyor,
Kalaiyarkovil Taluk,
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the



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records relating to the impugned proceeding

No.2024/0105/23/288395 dated 18.12.2024 issued by the third respondent and quash the same and consequently direct the respondent to issue patta transfer in nature of sub division patta in the petitioner's name for land extent 56,142 sqft (Approx 1 acre 29 cents) of land comprised in Survey No.246/3 in Patta No.554 Sembanoor Village, Kalaiyarkovil Taluk, Manamadurai Sub Division, Sivagangai District.

For Petitioner : Mr.N.Ganesh

For Respondents 1 to 4 : Mr.M.Lingadurai,

Special Government Pleader

ORDER

The petitioner challenges the impugned order of the third respondent in proceedings No.2024/0105/23/288395 dated 18.12.2024.

2.Though the writ petitioner is seeking issuance of a Writ of Certiorarified Mandamus, considering the manner in which the third respondent has proceeded to pass the impugned order, with the consent of the Counsel on either side, Writ Petition is taken up for final disposal. The petitioner has made an application for patta transfer on 18.12.2024, before the third respondent. The third



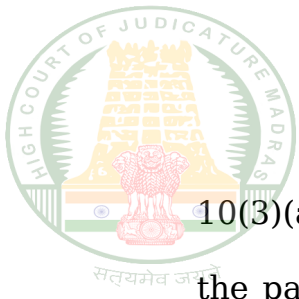
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respondent has rejected the application of the petitioner and in the impugned proceedings as reflected in the online website status, the reason for rejection is 'joint patta and power document also'.

3.It is the specific case of the petitioner that the petitioner was not put on notice before the said impugned order came to be passed. He has further stated that he has purchased the property under a registered sale deed dated 25.01.2024 and his request was only to mutate his name in the place of his vendor. Further, according to the petitioner, no enquiry was also conducted and even the impugned proceedings were not served on the petitioner. It is further contended by the petitioner that the third respondent on enquiry by the petitioner, informed the petitioner that the impugned order is uploaded in the website and the petitioner was directed to download the said order.

4.The Tamil Nadu Patta Pass Book Act, 1983, provides for a specific mode to be adopted in matters pertaining to mutation of patta. Section 10(1) enables any person seeking modification in respect of any entry in Patta Passbook Act to make an application to the Tahsildar for modification of the relevant entries in the patta pass book. Section 10(2) requires an application under sub-section (1) to contain material particulars in support of the claim. Section

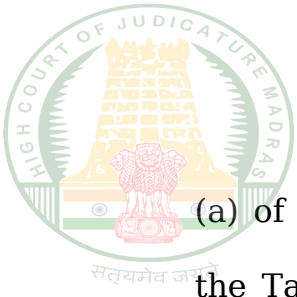


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10(3)(a) requires the Tahsildar to give a reasonable opportunity to the parties concerned to make their representations either orally or in writing and thereafter alone, the Tahsildar can take a decision with regard to any modification that is to be made in respect of entries in patta passbook.

5. Here, admittedly, Section 10(3)(a) has not been followed in its true letter and spirit. An order cannot be passed and thereafter, the petitioner be called upon to download the same from the website. The exercise of disposing off an application under Section 10 can be preceded by due enquiry to be conducted by the Tahsildar, after giving due a fair opportunity for the petitioner / applicant, who seeks for change in the entries in the patta passbook / revenue records. Therefore, the procedure adopted is not only in violation of provisions of Section 10(3)(a) of Patta Passbook Act, but also clearly in violation of principles of natural justice enshrined in our constitution.

6. Unfortunately, it has now become common for the authorities to pass cryptic one word order like “rejected”, “joint patta, power document” and some orders even without any reason. This unhealthy practice has to be stopped and unnecessary litigation can be avoided if the authorities follow the mandate of Section 10(3)



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(a) of the Patta Pass Book Act. This order shall be forwarded to all the Tahsildars in the State of Tamil Nadu, to ensure that hereafter such erroneous orders are not passed, forcing the litigants to approach this Court for no fault of theirs.

7. In view of the above, the impugned order is set aside and the matter is remitted to the Tahsildar to consider the petitioner's application and pass orders, after hearing the petitioner as well as any other interested parties and considering all relevant documents. Such exercise shall be carried out within a period of eight [8] weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR

Note: Copy of this order to be circulated to all District Collectors, who in turn shall keep all the Tahsildars, Deputy Tahsildars and Zonal Deputy Tahsildars informed and instructed accordingly.



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To

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P.B.BALAJI., J.

MR

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