



W.P.(MD) No.6849 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.08.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD)No.6849 of 2025
and W.M.P.(MD)Nos.5130 & 5131 of 2025

Brindha

... Petitioner

Vs

1. The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2. The Tahsildar,
Usilampatti Taluk,
Madurai District.

3. Veerasakthivel

4. Pounammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 1st respondent in Pa.Mu.No. 4223/2023/A3 dated 12.02.2025 and quash the same as illegal and arbitrary.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.A.Baskaran,
Addl. Govt. Pleader for R1 & R2
Mr.V.Sakthivel for R3 & R4



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ORDER

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This Writ Petition is filed challenging the order passed by the 1st respondent cancelling the patta issued in the name of Jeyapandi and Santhi under whom the petitioner is claiming right over the subject property.

2. Heard the arguments of Mr.P.Ganapathi Subramanian, learned counsel for the petitioner, Mr.A.Baskaran, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.V.Sakthivel, learned counsel appearing for the respondents 3 and 4.

3. The private respondents 3 and 4 filed an application before the first respondent seeking cancellation of patta stands in the name of Jeyapandi and Santhi in respect of the property situated in S.Nos.60/4C and 60/4D, Nattamangalam Village, Usilampatti Taluk, Madurai District. The said application was allowed by directing inclusion of name of the private respondents in the revenue records. Aggrieved by the same, the petitioner has come before this Court



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4. The impugned order was challenged mainly on the ground that the petitioner, who is the owner of the property was not at all added as a party in the proceeding before the first respondent and therefore, the impugned order is a one violating the natural justice principles.

5. The learned counsel appearing for the contesting private respondents would submit that the petitioner's father and mother were parties to the proceeding before the first respondent and pending enquiry by the first respondent, they settled the subject property in favour of petitioner by virtue of a settlement deed dated 02.01.2024.

6. The records produced by the learned Additional Government Pleader appearing for the respondents 1 and 2 would establish that the petition filed by the respondents 3 and 4 was dated 18.08.2023. A reading of the impugned order would indicate that the enquiry under the application submitted by the private respondents was commenced on 25.10.2023 and finally, the impugned order was passed on 12.02.2025. Therefore, it is clear that when the enquiry was pending on the file of the first respondent, the father and mother of the petitioner who were parties

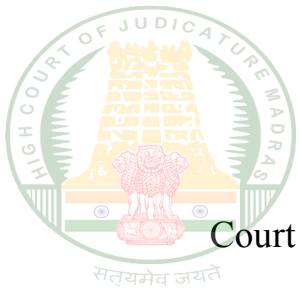


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to the enquiry, settled the subject property in favour of the petitioner on 02.01.2024. Therefore, the submission made by the petitioner that no opportunity was given to the petitioner before the first respondent cannot be accepted as petitioner's predecessor in title viz., her settlors were made as parties before the respondent. Therefore, this Court is not inclined to accept the arguments made by the learned counsel appearing for the petitioner on violation of natural justice principles.

7. The impugned order was passed in an appeal filed by the private respondents under Section 12 of the Patta Pass Book Act, 1983. Against the impugned order, a statutory remedy of revision is available to the petitioner under Section 14 of Patta Pass Book Act, 1983. When the impugned order was passed after hearing the respective parties, there is no violation of natural justice principles and therefore, this Court is not inclined to entertain the Writ Petition.

8. The learned counsel appearing for the petitioner brings it to the notice of this Court that subsequent to the impugned order passed by the first respondent, the private respondents along with two others filed O.S.No.77 of 2025, on the file of District Munsif cum Judicial Magistrate



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Court No.1, Usilampatti, seeking declaration of title and for other consequential reliefs. In the said suit, the settlement deed executed in favour of the petitioner was challenged. The said suit appears to have filed on 30.04.2025, as seen from the Court seal in the copy of the plaint circulated by the learned counsel for the petitioner. Therefore, it is clear that the declaration suit relied on by the learned counsel for the petitioner was not pending when the impugned order was passed by the first respondent. Therefore, it is not open to the petitioner to submit that a title dispute was pending, before the competent civil Court at the time of impugned order passed by the first respondent.

9. In view of the same, it is for the petitioner to work out her remedy either before the civil Court in the subsequent suit filed by the private respondents or in a properly filed revision under Section 13 of the Patta Pass Book Act, 1983.

10. With this liberty, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.



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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

S.SOUNTHAR, J.

vsm

To

1. The Revenue Divisional Officer,
Usilampatti,
Madurai District.
2. The Tahsildar,
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Madurai Districtth Taluk,
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