



W.A.(MD) No.1064 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.(MD) No.1064 of 2021
and
C.M.P.(MD) No.4753 of 2021**

R.Thangavelu

... Appellant

-vs-

1.The Zonal Deputy Tahsildar
Karur Taluk
Karur District

2.Kaliyanna Gowtham

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 12.03.2021, passed in W.P.(MD) No.5534 of 2021, on the file of this Court.

For Appellant : Mr.K.Suresh

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader for R1
Mr.S.Sarvagan Prabhu for R2



W.A.(MD) No.1064 of 2021

WEB COPY

J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

The unsuccessful writ petitioner is the appellant herein.

2. The appellant filed the writ petition challenging the patta transfer proceedings of the first respondent, dated 08.03.2020, on the ground of violation of principles of natural justice as the patta was originally stood in his name and without affording any opportunity of hearing to him, the second respondent was wrongly included and entries had been altered in the revenue records.

3. The learned Single Judge, by order dated 12.03.2021, dismissed the writ petition by holding that in view of the provisions of the Tamil Nadu Patta Passbook Act, 1983, there is an appeal remedy available to the appellant before the Revenue Divisional Officer and further revision before the District Revenue Officer and the appellant filed the writ petition without exhausting the alternative remedy provided under the statute. Challenging the same, this writ appeal.



W.A.(MD) No.1064 of 2021

WEB COPY

4. According to the appellant the property to an extent of 0.39 Acre in S.F.Nos.357 and 358 situated at Thirumanilayur Village, Karur Taluk and District, was purchased by him on 01.09.2003 from the father of the second respondent, who executed a registered sale deed as a power agent of K.Dhanababu. Further, according to the appellant, he has been in possession and enjoyment of the property without any interruption and a patta has also been issued in his favour in patta No.587. The appellant also purchased further extent of 0.91 Acre in the very same survey number and the property in turn had been sold to third parties and their names have also been included in the patta. While the matter stood thus, he came to know that the name of the second respondent has been included in patta Nos.587 and 593 along with the appellant's name. The appellant found that the name of the second respondent has been wrongly included and the entries had been altered.

5. Heard the learned counsel on either side and perused the materials available on record.



W.A.(MD) No.1064 of 2021

WEB COPY

6. On perusal of the order passed by the learned Single Judge, it is seen that the writ petition filed by the appellant has been dismissed only on the ground of availability of appeal remedy under the Tamil Nadu Patta Passbook Act, 1983. Further, it is seen that the order impugned in the writ petition has been passed by the first respondent, without due notice or affording an opportunity of hearing to the appellant, in whose name, admittedly, on the date of passing the said order, the patta in respect of the subject property stood. In such circumstances, the first respondent ought to have issued notice to the appellant before altering / modifying / effecting mutation in the revenue records. Hence, we find that there is violation of principles of natural justice.

7. Accordingly, the order dated 08.03.2020, passed by the first respondent, is hereby quashed and the matter is remanded back to the file of the first respondent to pass orders afresh after issuing notice and affording due opportunity of hearing to the parties concerned. It is made clear that this Court is not expressing any opinion on the alleged compromise decree entered into between the parties concerned or the previous sale deed executed in favour of the appellant. The first respondent shall pass orders on



W.A.(MD) No.1064 of 2021

WEB COPY

merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.] [N.S., J.]

07.01.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:
The Zonal Deputy Tahsildar,
Karur Taluk,
Karur District.



WEB COPY



W.A.(MD) No.1064 of 2021

RMT.TEEKAA RAMAN, J.
AND
N.SENTHILKUMAR, J.

krk

W.A.(MD) No.1064 of 2021
and
C.M.P.(MD) No.4753 of 2021

07.01.2025