



W.P.(MD)No.9439 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.9439 of 2025

and

W.M.P(MD)Nos.7064 & 7065 of 2025

1.A.Pradeep

2.A.Dulcy Rebeccal

... Petitioners

Vs.

1.The District Collector,
Tirunelveli District.

2.The District Revenue Officer (RDO),
Tirunelveli District.

3.The Appellate Officer/Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

4.The Deputy Tahsildar,
Nanguneri,
Tirunelveli District.

5.Rajesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order, dated 01.07.2024 in P.MU.C.P.No.A3/19/2024 passed by the



W.P.(MD)No.9439 of 2025

3rd respondent and quash the same as illegal and void. Consequentially to directing the respondents 1 to 4 to restore the patta no.1601 and 833 in this petitioners' names.

For Petitioner : Mr.S.Selvakrishnan

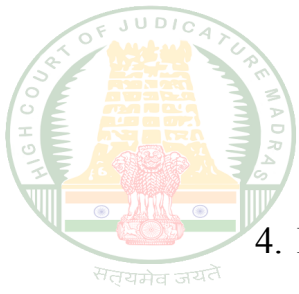
For R1 – R4 : Mrs.K.Malathi
Additional Government Pleader

ORDER

The petitioner challenges the order passed by the 2nd respondent, dated 21.01.2025.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the official respondents.

3. The learned counsel for the petitioner would submit that the reasons assigned for rejecting the petitioner's application are totally unwarranted and unsubstantiated. The learned counsel for the petitioner take me through the four grounds on which the application has been rejected and he would submit that absolutely no opportunity was given to the petitioner before the impugned order came to be passed.



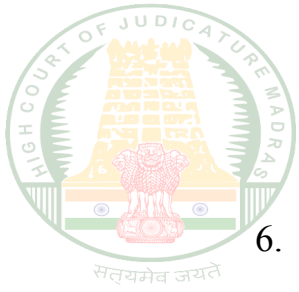
W.P.(MD)No.9439 of 2025

4. I have gone through the order which is impugned in the present writ

petition.

5. The specific case of the petitioner is that the petitioner's grandfather was issued patta and subsequently, patta was also transferred to the petitioner's father's name. However, on 15.07.2024, the petitioner has been informed about the order of the 2nd respondent, dated 01.07.2024 regarding the impugned order without notice to the petitioner or the other legal heirs. In and by the impugned order, the petitioner's father's name as well as the 2nd petitioner's name have been removed from the patta. Aggrieved by the said order alone, the petitioners have preferred the appeal on 21.01.2025. Unfortunately, the 2nd respondent, without even hearing the petitioners, has proceeded to reject the appeal for the following four reasons:

- (i) Original order was not enclosed with my appeal petition
- (ii) Additional copies of petition has been enclosed
- (iii) Postal cover of the impugned order was not enclosed
- (iv) Appeal has been filed with delay



W.P.(MD)No.9439 of 2025

6. When it was the specific case of the petitioners that the order was passed against the dead person, the petitioners ought to have been given a personal hearing to explain the circumstances as well as the delay in approaching the 2nd respondent. Admittedly, the 2nd respondent has power to condone delay in entertaining appeals from orders to be passed under the provisions of the Patta Passbook Act. Therefore, the order which is impugned in the present writ petition, without notice or hearing the petitioners is clearly in violation of principles of natural justice and I am, therefore, inclined to interfere with the said order.

7. In fine, this writ petition is allowed and the impugned order of the 2nd respondent, dated 21.01.2025 confirming the order of the 3rd respondent, dated 01.07.2024 is set aside. The matter is remitted to the 2nd respondent for fresh consideration on merits and in accordance with law. The 2nd respondent shall hear the petitioners as well as other interested parties and shall pass final orders, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of copy of this order.



W.P.(MD)No.9439 of 2025

WEB COPY 8. With the above direction, this Writ Petition stands allowed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

04.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no

gbg

To:

- 1.The District Collector,
Tirunelveli District.
- 2.The District Revenue Officer (RDO),
Tirunelveli District.
- 3.The Appellate Officer/Sub-Collector,
Cheranmahadevi,
Tirunelveli District.
- 4.The Deputy Tahsildar,
Nanguneri,
Tirunelveli District.



WEB COPY



W.P.(MD)No.9439 of 2025

P.B.BALAJI, J.

gbg

W.P.(MD)No.9439 of 2025

04.04.2025