



W.P.(MD)No.10559 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD) No.10559 of 2025
and
W.M.P.(MD) No.7889 of 2025

- 1.M.Chandra Mohan
- 2.M.Palanikumar
- 3.M.Manikavasagam
- 4.M.Umadevi
- 5.M.Nagarathinam
- 6.M.Shanthi

... Petitioners

/Vs./

- 1.The District Collector,
Collectorate,
Dindigul,
Dindigul District.
- 2.The District Revenue Officer,
Collectorate,
Dindigul,
Dindigul District.
- 3.The Revenue Divisional Officer,
O/o. RDO,
Kodaikanal, Dindigul District.



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4.The Tahsildar,
Kodaikanal,
Dindigul District.

5.D.Arunprakash

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertain to impugned order dated 20.01.2025 passed by the 3rd respondent in Mu.Mu.0938/2024/A1 and quash the same as illegal and further direct the respondents to restore the patta to its earlier position in favour of the petitioners and other pattadhars in accordance with law.

For Petitioners : Mr.V.Rajiv Rufus

For R1 to R4 : Mr.M.Lingadurai
Special Government Pleader

For R5 : Mr.N.Ganesh

ORDER

Heard Mr.V.Rajiv Rufus, learned counsel for the petitioners, Mr.M.Lingadurai, learned Special Government Pleader for the respondents 1 to 4 and Mr.N.Ganesh, learned counsel for the fifth respondent.



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2.The grievance of the writ petitioners is that the order impugned in the present writ petition was passed on 20.01.2025 by the third respondent, however, the said order has been dispatched a month later, on 21.02.2025 alone and the petitioners were incapacitated to even approach the appellate authority by way of appeal as available under the statute, namely, Tamil Nadu Patta Passbook Act. He would further submit that in the meantime, in a hurried manner, patta has already been mutated in the name of the fifth respondent, D.Arunprakash.

3.The learned counsel for the petitioners therefore submits that the appeal filed by the writ petitioners is not even taken on file and hence, he has been constrained to approach this Court under Article 226 of the Constitution of India.

4.The learned Special Government Pleader appearing for the respondents 1 to 4 would submit that statutory appeal remedy is available to the petitioners and therefore, an appeal can be filed within 30 days from the date of receipt of a copy of the order and the appeal will be in time.



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5.Mr.N.Ganesh, learned counsel for the fifth respondent would submit that the fifth respondent is no more and he died as a bachelor and his mother, namely, Nirmala, is the only surviving class I legal heir of the fifth respondent.

6.Considering the above circumstances, this Writ Petition is disposed of in the following terms:-

- i) The appeal preferred by the writ petitioners shall be numbered and taken up by the second respondent.
- ii) The second respondent shall issue notice to the petitioners as well as the mother of the fifth respondent, namely, Nirmala, and conduct due enquiry and pass final orders on the petitioners' appeal within a period of 12 weeks from the date of receipt of a copy of this order.
- iii) In the meantime, the patta, which, if already, mutated in the name of the fifth respondent, shall not be further mutated and shall be mutated subject to outcome of the final orders being passed by the second respondent.
- iv) The second respondent shall issue notice to all interested



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parties and conduct an enquiry after affording a fair opportunity to all the parties.

No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
NCC : Yes / No
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- 4.The Tahsildar,
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P.B. BALAJI, J.

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Order made in
W.P.(MD)No.10559 of 2025

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