



W.P.(MD) No.11741 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.11741 of 2025

P.Chandran

...

Petitioner

Vs

- 1 The District Collector,
Collectorate,
Madurai District.
- 2 The District Revenue Officer,
Collectorate, Office of DRO,
Madurai.
- 3 The Revenue Divisional Officer,
Madurai South Division,
Office of RDO,
Vellaripatti, Melur Road,
Madurai District.
- 4 The Tahsildar,
Madurai South Taluk,
Madurai District.
- 5 K.Jeyakanthan,
Zonal Deputy Tahsildar,
Madurai South Taluk,
Madurai District.



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6 M.Sivaraman,
Village Administrative Officer,
Avaniyapuram Village,
Madurai South Taluk,
Madurai District.

7 Mayandi ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents 1 to 4 to consider the petitioner's representation, dated 17.03.2025, and to transfer and issue joint patta in petitioner's name in respect of property in Madurai South Taluk, Avaniyapuram Village, comprising Survey number in S.No. 168/2A, extent about 1 Acre 44 cents and take appropriate action as against the 5th and 6th respondent.

For Petitioner : Mr.K.R.Manimaran

For Respondents 1 to 4 : Mr.M.Gangadharan,
Govt. Advocate.

For Respondent 7 : Mr.M.Thirunavukkarasu

ORDER

The Writ Petition is filed, seeking a direction to respondents 1 to 4 to consider the representation of the petitioner, dated 17.03.2025, and to



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issue joint patta in his name in respect of property situate in Survey No. 168/2A with an extent of 1 Acre 44 cents in Avaniyapuram Village, Madurai South Taluk, and also to take action against respondents 5 and 6 within a time stipulated by this Court.

2. According to the petitioner, the subject property is his ancestral property and he and his sharers have been in possession and enjoyment of the same. The private respondents 5 to 7 moved the fourth respondent and obtained patta for the subject property in the name of Arulmigu Bathrakaliamman Temple. Aggrieved by the same, the petitioner submitted a representation before the fourth respondent on 17.03.2025, seeking cancellation of the patta issued in the name of the temple and issuance of joint patta in the name of the petitioner and other sharers. The said representation has not been considered. Hence, the petitioner has approached this Court, seeking issuance of writ of mandamus.

3. Under the provisions of the Tamil Nadu Patta Pass Book Act, if a person is aggrieved by the patta transfer order passed by the fourth respondent, it is for him to file an appeal under Section 12 of the said enactment.

4. The petitioner herein, without filing an appeal, submitted a representation before the original authority, namely, fourth respondent –



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Tahsildar. The original authority has no power to recall or cancel the order passed by him unless the circumstances mentioned under Section 10 of the Act are available. In the case on hand, the circumstances mentioned under Section 10 of the Tamil Nadu Patta Pass Book Act are not at all satisfied. Therefore, the representation submitted by the petitioner cannot be considered by the original authority and it is for the petitioner to work out his remedy before the appellate authority, namely, third respondent.

5. In view of the same, without expressing any opinion on the merits of the matter, the fourth respondent is directed to forward the representation submitted by the petitioner, dated 17.03.2025, to the third respondent within a period of two weeks from the date of receipt of copy of this order. The third respondent shall consider the same as an appeal filed by the petitioner under Section 12 of the Tamil Nadu Patta Pass Book Act and dispose of the same within a period of sixteen weeks from the date of receipt of representation from the fourth respondent, after issuing notice to the petitioner, seventh respondent, the person in management of Arulmigu Bathrakaliamman Temple, the impleading petitioner in W.M.P.(MD) No.11626 of 2025, namely, Neelakandan, and other interested parties.



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6. Accordingly, the Writ Petition is disposed of. No costs.

19.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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S.SOUNTHAR, J.

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