



W.P.(MD)No.11129 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.11129 of 2023

and

W.M.P(MD)Nos.9714 & 9716 of 2023

K.R.Subbiah

... Petitioner

Vs.

- 1.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.
- 2.The Zonal Deputy Tahsildar,
Thiruppathur Taluk,
Sivagangai District.
- 3.The Village Administrative Officer,
Ilayanthankudi Taluk,
Thiruppathur Taluk,
Sivagangai District.
- 4.Karuppaiah
*(R.4 is impleaded vide order of
this Court dated 13.02.2025)*

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings passed by the second respondent made in TR.2023/0103/23/168957TR dated 24.02.2023 and quash the same and consequently, direct the respondents 1 and 2 to restore the patta in the name of the petitioner.

For Petitioner : Mr.V.Sadeskumar

For Respondents : Mr.S.Kameswaran
Government Advocate
for R.1 to R.3

ORDER

The petitioner challenges the order of the second respondent made in TR.2023/0103/23/168957TR dated 24.02.2023 and consequently direct the respondents 1 and 2 to restore the patta in the name of the petitioner.

2.I have heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents.



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3.The fourth respondent / father of the writ petitioner has been impleaded pursuant to the order dated 13.02.2025 made in W.M.P(MD)No.25790 of 2023 for effective directions to be issued at the time of disposal of the writ petition.

4.The case of the petitioner is that pursuant to the unregistered partition deed, the patta which was standing in the name of the father of the petitioner / newly impleaded fourth respondent was mutated in the name of the petitioner in Patta No.3725. The petitioner has taken possession of the property allotted to him under the partition and also mutated the revenue records including municipal house tax and water tax in his name. However, his father without any notice to the petitioner has approached the authorities and removed the name of the petitioner from the patta and sought for inclusion of his name, which has been accepted by the revenue authorities. On going through the impugned order, I find that the said exercise was carried out without any notice to the petitioner and necessary enquiry to be conducted as contemplated under Section 10 of the Patta Passbook Act. Therefore, the impugned order is in violation of the principles of natural justice. It is clearly unsustainable in law. For



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the very same reasons, the impugned order is set aside. The matter is remitted to the file of the second respondent for fresh consideration of the application of the fourth respondent / father of the writ petitioner, after affording opportunity to the petitioner as well as the fourth respondent and thereafter the second respondent shall pass order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5.This writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

20.03.2025

Index : Yes / No
NCC : Yes / No
NCC : Yes / No
MGA

To

- 1.The District Collector,
Collectorate Building,
Madurai – 625 020.
- 2.The Revenue Divisional Officer,
Madurai District,
Madurai.



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3.The District Revenue Officer,
Madurai District,
Madurai.

4.The Tahsildar,
Madurai North Taluk,
Madurai District.



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P.B.BALAJI, J.

MGA

Order made in
W.P.(MD)No.11129 of 2023

Dated:
20.03.2025