



W.P.(MD)No.12839 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.12839 of 2025

and

W.M.P.(MD).Nos.9253, 9254 & 9256 of 2025

1.S.Muthukrishnan

2.Indhuja

: Petitioners

Vs.

1.The Tahsildar,

Nanguneri Taluk,

Tirunelveli.

2.R.Sudalai Muthu

3.R.Velmurugan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in D.R. 2025/0103/29/435533TR and D.R.2025/0103/29/435829TR, dated 29.01.2025 and quash the same and consequently direct the first



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respondent to restore the Patta in the name of the second petitioner in respect of S.Nos.737/3 and 737/6 respectively within the time fixed by this Court.

For Petitioners : Mr.P.P.Alwin Balan

For Respondent No. 1 : Mr.S.Kameswaran,
Government Advocate

ORDER

The petitioner challenges the order of the Tahsildar in D.R. 2025/0103/29/435533TR and D.R.2025/0103/29/435829TR, dated 29.01.2025.

2. I have heard Mr.P.P.Alwin Balan, learned counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the first respondent.

3. The learned counsel for the petitioner would submit that the Tahsildar, without any notice to the petitioner, has proceeded to cancel the patta, which admittedly stood in the name of the petitioner and the petitioner's wife, based on a registered Will and also subsequent settlement deed.



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4. However, Mr.S.Kameswaran, learned Government Advocate appearing for the first respondent would submit that the order passed by the Tahsildar is only a consequential order and the Revenue Divisional Officer has earlier passed an order on 25.01.2025 and same was only carried out by the Tahsildar in and by the impugned proceedings.

5. The Impugned order does not even whisper about the proceedings before the Revenue Divisional Officer. If at all the Tahsildar only carried out the orders and implement the order of the Revenue Divisional Officer, then certainly the impugned order would have necessary reference to the communication sent by the Revenue Divisional Officer or at least the order passed by the Revenue Divisional Officer on 25.01.2025.

6. Therefore, in the light of the above, the proceedings on the file of the Tahsildar are clearly irregular and perverse and liable to be set aside. In the result, the writ petition is allowed and the impugned order dated 29.01.2025 is set aside. Considering the fact that the Revenue Divisional Officer has already passed an order on 25.01.2025, liberty is given to the petitioner to challenge the same in the manner known to law.



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7. Accordingly, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

29.04.2025

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

The Tahsildar,
Nanguneri Taluk,
Tirunelveli.



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P.B.BALAJI., J.

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