



W.P.(MD)No.13593 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.13593 of 2024

and

W.M.P(MD)Nos.11974 & 11975 of 2024

S.Muniyappan

.... Petitioner

/Vs./

1.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.Otchu

4.Vanitha

5.Yuvaraja

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned proceedings passed by the first respondent in Pa.Mu.No.49/2024/A4 dated 29.04.2024 and set aside the same and consequently directing the first respondent to restore the patta in favour



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of the petitioner and others in Survey No.33 measuring to an extent of 9 Acres 83 cents land at Kutchanur Village, Uthamapalayam Taluk, Theni District within a time frame as fixed by this Court.

For Petitioner : Mr.S.Balaji

For R1 & R2 : Mrs.S.Jeyapriya
Government Advocate

For R3 to R5 : Mr.Vashik Ali
for M/s.D.Nallathambi

ORDER

The petitioner challenges the order of the Revenue Divisional Officer, dated 29.04.2024 in Pa.Mu.No.49/2024/A4.

2. On going through the impugned order which is challenged in the present writ petition, I find that the Revenue Divisional Officer has passed a detailed and considered order and in any event, the said order is appealable under Section 13 of the Patta Passbook Act. The appeal ought to have been preferred within 30 days from the date of receipt of the copy of the order passed by the Revenue Divisional Officer. However, the writ petitioner has approached this Court and filed the instant writ petition without availing the statutory remedy available to him under the Act.



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3. In view of the above, liberty is granted to the petitioner to move an appeal before the District Revenue Officer within a period of four weeks from the date of receipt of the copy of this order. In the event of such appeal being preferred within a period of four weeks, then the issue of limitation may not be put against the petitioner and the District Revenue Officer shall consider the appeal on its own merits and in accordance with law within a period of twelve weeks, thereafter. In the event of the original impugned order having been filed along with this writ petition, the same may be returned to the counsel for the petitioner across an acknowledgment being examined, within a period of two weeks from today.

4. With the above direction, the writ petition is disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
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P.B. BALAJI, J.

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Order made in
W.P.(MD)No.13593 of 2024

Dated:
14.02.2025