



W.P.(MD)No.13659 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

WP(MD)No.13659 of 2024

and

W.M.P.(MD)No.12032 of 2024

B.Ashok Pradeep

... Petitioner

Vs.

1. The District Collector

The District Collector Campus,
Virudhunagar.

2. The Assistant Director of Survey and Land Records,
Kooraikundu, Virudhunagar - 626 002,
Virudhunagar District.

3. The Tahsildar

Taluk Office, Sivakasi,
Virudhunagar District.

4. The Taluk Surveyor

Taluk Office, Sivakasi,
Virudhunagar District.

5. S.Krishnammal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorari, calling for the records relating to the



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impugned notice Na.Ka.A2/1/101/2024 dated 06.06.2024 issued by the 3rd respondent herein and quash the same.

For Petitioner : Mr.M.Vijayarathinam

For Respondents : Mr.C.Satheesh
Government Advocate
for R1 to R4

: Mr.G.Vishnuram for R5

ORDER

The petitioner challenges the enquiry notice in Na.Ka.A2/1/101/2024 dated 06.06.2024 issued by the 3rd respondent herein.

2. I have heard Mr.M.Vijayarathinam, learned counsel appearing for the petitioner, Mr.C.Satheesh, Government Advocate appearing for the respondents 1 to 4 and Mr.G.Vishnuram, learned counsel appearing for the fifth respondent.

3. This Court by order dated 26.06.2024, in W.M.P.(MD)No.12032 of 2024 granting interim stay and thereafter, the matter has been pending and today (i.e., 04.04.2025) the writ petition is taken for hearing, the



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learned counsel for the petitioner inviting my attention to the order of this Court in W.P.(MD)No.4749 of 2024 would contend that the said writ petition was filed by the fifth respondent herein only for issuance of patta, based on a sale deed in favour of the 5th respondent. This Court by order dated 29.02.2024, directed necessary enquiry to be conducted by the Tashildar, Sivakasi Taluk, after putting on notice all interested parties, before passing final orders. In pursuance of the said order that the present enquiry notice has been issued. However, without understanding the scope of the order of the Court in the said writ petition, the Tashildar has called upon the petitioner as if the 5th respondent has requested for cancellation of settlement deed in favour of the petitioner, which has necessitated the petitioner to approach this Court and file the present writ petition.

4. The learned counsel appearing for the 5th respondent, fairly submits that his prayer is only with regard to issuance of patta, based on a sale deed it and there is no request for cancellation of the deed of settlement in favour of the petitioner. In any event, the revenue authorities cannot decide questions of title and go into the validity of a



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registered deeds of settlement executed in favour of the writ petitioner.

The scope of enquiry as can be undertaken by the Tahsildar is only with regard to the entitlement of the parties to mutation of revenue records, including patta, based on the available documents. In the event of the second respondent finding any rival claims to title, then the Tahsildar shall relegate the parties to approach the competent civil Court, without passing any orders for mutation. The Tahsildar shall hear the petitioner as well as the 5th respondent and pass final orders, after considering the claims and objections of the respective parties, in accordance with law and on its own merits. The said exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
NCC : Yes / No
LS

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P.B. BALAJI, J.

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Order made in
W.P.(MD)No.13659 of 2024

Dated:
04.04.2025