



W.P(MD)No.19041 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2025

CORAM :

THE HON'BLE MR.JUSTICE S. SOUNTHAR

W.P(MD)No.19041 of 2025

and

W.M.P(MD)No.14588 of 2025

C.Alagupandi

... Petitioner

Vs

**1. The Revenue Divisional Officer,
Usilampatti,**

**2. The Thasildhar,
Usilampatti.**

3. R.Manimuthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for the records of the impugned proceedings of the first Respondent in Na.Ka.No. 2587/2025/A4 dated 13.06.2025 and quash the same as illegal.

For Petitioner : Mr.K.Chengizkhan

**For Respondent : Mr.A.Baskaran (R1-R2)
Additional Government Pleader**



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ORDER

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The writ petition is filed challenging the enquiry notice issued by the first respondent calling the petitioner for enquiry on the application submitted by the private respondent seeking cancellation of assignment patta issued in favour of the petitioner.

2.Mr. A.Baskaran, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself. Since no adverse is passed against the third respondent, notice to him is dispensed with.

3.According to the petitioner, he was issued with an assignment patta in respect of the land situate in S.No.235/11Q with an extent of 0.00.60 Ares in Thottappanayakanur Village, Usilampatti Taluk. The adjacent property in S.No.235/11S with an extent of 0.00.45 Ares belong to the petitioner's wife, for which manaivari thoraya patta was issued in her favour. Now, the third respondent submitted an application before the first respondent seeking cancellation of patta issued in favour of the



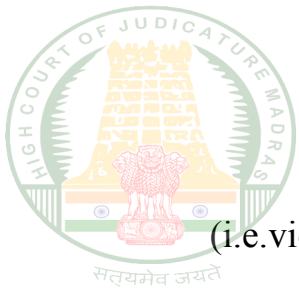
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petitioner and his wife and an enquiry notice has been issued by the first respondent calling the petitioner for enquiry. Aggrieved by the same, the petitioner has come before this Court.

4.The learned Counsel appearing for the petitioner would submit that already a civil suit has been filed by the petitioner in O.S.No.114 of 2022, before the District Munsif Court, Usilampatti against the third respondent's father, Ramar and two others seeking declaration of title and injunction against the defendants therein, in respect of the subject matter of this writ petition. In these circumstances, the first respondent is not entitled to entertain any application from the third respondent seeking cancellation of patta.

5.Based on the assignment patta and the manaivari thoraya patta issued in favour of the petitioner and his wife, civil suit has been filed by the petitioner seeking declaration of title. Now the third respondent filed an application before the first respondent seeking cancellation of patta issued in favour of the petitioner and his wife. The first respondent has power to cancel the assignment patta and also the manaivari thoraya patta issued in favour of the petitioner and his wife on certain legal grounds



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(i.e.violation of assignment condition, eligibility of petitioner etc).

Pendency of the civil suit filed by the petitioner based on patta, will not prevent the first respondent from exercising his power to cancel patta on the specified grounds. The scope of the enquiry before the first respondent is altogether different from the scope of the civil suit. In fact, if assignment patta issued in favour of petitioner is cancelled on specified grounds, the suit filed by the petitioner based on the said patta will have no legs to stand.

6.In these circumstances, this Court is not inclined to entertain the writ petition filed by the petitioner. It is for him to appear before the first respondent and submit his objection to the application filed by the third respondent seeking cancellation of patta. If any objection is filed by the petitioner, the same shall be considered by the first respondent and final orders shall be passed within a period of twelve weeks from the date of receipt of a copy of this order, after affording reasonable opportunity to the petitioner and the third respondent.



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7. With the above observations, this writ petition stands dismissed.

No costs. Consequently the connected miscellaneous petition is closed.

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

To
1. The Revenue Divisional Officer,
Usilampatti,

2. The Thasildhar,
Usilampatti.



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S. SOUNTHAR, J.

LR

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