



W.P.(MD) No.20692 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.20692 of 2024

P.Ravi

... Petitioner

VS.

1.The Revenue Divisional Officer,
Melur Division,
Melur, Madurai District.

2.The Tahsildar,
Madurai East Taluk,
Madurai District.

3.The Zonal Deputy Tahsildar,
Madurai East Taluk,
Madurai.

4.Mahalakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent in his proceedings in Ni.Mu.No.1297/2024/M4, dated 06.08.2024 and to quash the same as arbitrary, ultravires and illegal and consequently, direct the respondents 1 to 3 to restore the patta in the name of the petitioner in respect of the property situated in Plot No.29 A, Patta No.2117, in S.No.11/29, Vandiyur 1st



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WEB Bit Village, East Taluk, Madurai, pending disposal of the civil dispute between the petitioner and the fourth respondent herein.

For Petitioner : Mr.Baburajendran

For Respondent : Mr.B.Saravanan
Additional Government Pleader for R1 to R3

Mr.G.R.Sathish for R4

ORDER

The writ petitioner challenges the impugned order passed by the first respondent cancelling the patta of the petitioner and issuing patta to the fourth respondent in Ni.Mu.No.1297/2024/M4, dated 06.08.2024.

2.On the last hearing date, an objection was raised by the learned counsel for the fourth respondent that the first respondent had passed final orders even on 10.06.2024 and the petitioner ought to have preferred an appeal, if aggrieved by the order of the first respondent, before the District Revenue Officer, Madurai. Therefore, it was contended that without availing of the alternate statutory remedy available under the Act, the present writ petition was not maintainable.



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3.However, the learned counsel for the petitioner submitted that the petitioner was never put on notice about any impugned order having been passed on 10.06.2024.

4.On going through the impugned order, which has been served on the petitioner and the order dated 10.06.2024, which has been relied on by the learned counsel for the respondents, I found that the orders were verbatim the same, excepting for the change in the date of the order, namely, 06.08.2024 instead of 10.06.2024. It is also noticed that soon after the order dated 10.06.2024, the fourth respondent has requested follow-up action to be taken in pursuance of the order dated 10.06.2024 and even within a month, ie., July 2024, the petitioner's patta has been cancelled and the patta has been mutated in the name of the fourth respondent. It is only thereafter, on 06.08.2024, that the impugned order has been served on the petitioner, which has been challenged in the instant writ petition. I called upon the learned Additional Government Pleader to produce the original files and in compliance with the earlier order, the original files are also produced. It is seen from the original records that the order of the first respondent was passed only on 10.06.2024. In the first page, the date is left blank. However, the



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month of June and year 2024 are typed. It is also mentioned in the last page of the order that the copy of the said order has been sent to both the petitioner, Mahalakshmi, who is the fourth respondent and the writ petitioner herein. However, I do not find any acknowledgment in support of the said copy of the order having been communicated to the parties, especially the writ petitioner. That being so, on perusal of the order, which is impugned in the present writ petition, I find that the date and month in the first page have been filled up in ink as date 6, month 8 and the year 2024 alone has been typed and the last page of the impugned order, the Revenue Divisional Officer, Melur, has signed with the date 06.08.2024.

5.The learned Additional Government Pleader would submit that the indication of U.Na.U.Pa. means that it is a certified copy issued to the petitioner. However, as rightly contended by the learned counsel for the petitioner, unless the petitioner had applied for a certified copy, there was no necessity for issuing a certified copy of the impugned order. In any event, when it is not shown that the order dated 10.06.2024 was duly served on the writ petitioner and no documents in support of the same are available in the original files and coupled with the fact that in the impugned order that has been served on the fourth respondent even the



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date 10 has been typed, it only goes to show that all is not well with the proceedings before the first respondent. Clearly, the order had been passed by the first respondent on 10.06.2024, and when a thirty day period was available to the aggrieved party to challenge the order by filing an appeal before the District Revenue Officer, even a copy of the said order was not served on the writ petitioner. Much later it has been signed as if it is an order dated 06.08.2024 alone, the copy was dispatched to the petitioner and in the meantime, the petitioner's patta has been cancelled and the fourth respondent's name has been included in the patta even in July 2024. Therefore, the petitioner has been clearly deprived of a fair opportunity to challenge the impugned order. It is also brought to my notice that the petitioner has filed a suit in O.S.No.164 of 2024 before the learned Sub Judge, Melur, where the petitioner seeks substantive reliefs of declaration and injunction. The matter is therefore already seized by a civil Court, which alone would be the competent Court to decide the issues of title.

6.In view of the foregoing discussions and the fact that the impugned order was passed in suspicious circumstances, I deem it fit to pass the following order:



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(i) The impugned order dated 06.08.2024 (actually dated 10.06.2024) is hereby set aside and the writ petition is allowed.

(ii) The patta shall be mutated subjected to the final decision in the said suit in O.S.No.164 of 2024, which is pending before the Sub Court, Melur;

(iii) The Sub Court, Melur is directed to dispose of the said suit within a period of six months from the date of receipt of a copy of this order and subject to the decision of the Sub Court, Melur, the patta may be accordingly issued to the petitioner or the fourth respondent, whoever is successful in the said suit in O.S.No.164 of 2024.

No costs.

19.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

1.The Sub Court, Melur.

2.The Revenue Divisional Officer,
Melur Division,
Melur, Madurai District.

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- 3.The Tahsildar,
Madurai East Taluk,
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P.B.BALAJI, J.

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