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BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 20.08.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD)No.22802 of 2025
and
W.M.P.(MD)Nos.17887 and 17889 of 2025

Duraisamy ... Petitioner

Vs

1. The District Revenue Officer,
   Trichy, Trichy District.

2. The Revenue Divisional Officer,
   Office of Revenue Divisional Officer,
   Srirangam, Trichy District.

3. The Tahsildar,
   Office of Tahsildar,
   Marungapuri,
   Trichy District.

4. Palaniyandi

5. Palanisamy

6. Thavamani ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned order passed by the 3rd

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respondent in Mu.Mu.A2/4407/2023 dated 01.07.2025 and to quash the same as illegal and consequently direct the 3rd respondent to restore the patta vide patta No.1731 as existed previously.

For Petitioner	: Mr.A.Balaji
For Respondents	: Mrs.K.Malathi, Addl. Govt. Pleader for R1 to R3

ORDER

This Writ Petition is filed challenging the order passed by the third respondent, cancelling the joint patta that stood in the name of petitioner and others in respect of the subject property and transferring the same in favour of respondents 4 and 5.

2. Heard the arguments of Mr.A.Balai, learned counsel for the petitioner and Mrs.K.Malathi, learned Additional Government Pleader, who takes notice for the respondents 1 to 3. Since no adverse order is going to be passed against the respondents 4 to 6, notice to them is dispensed with.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

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4. A perusal of the impugned order passed by the third respondent would indicate that notice of enquiry was served on the petitioner and he appeared before the third respondent and informed him about the filing of second appeal challenging the judgment and decree passed by the Sub Court Manaparai, in favour of 4th respondent in A.S.No.270 of 2020. Since the second appeal was not numbered, the petitioner was granted one month time to get the second appeal numbered and inform the status about the numbering of the second appeal before the third respondent. In the next date of hearing, the petitioner did not appear before the third respondent and the status about numbering of second appeal was also not informed before the third respondent. Therefore, the third respondent, considering the application filed by the respondents, passed orders on merits. Therefore, it is clear that the petitioner received notice of enquiry and effectively participated in the enquiry before the third respondent and then failed to turn up for enquiry in later date.

5. In these circumstances, there is no violation of natural justice principles in the enquiry conducted by the third respondent to enable the petitioner to approach this Court straight away bypassing the remedy of appeal and revision available under the Tamil Nadu Patta Passbook Act,

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1983. Therefore, this Court is not inclined to entertain the Writ Petition.

6. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to challenge the order passed by the third respondent before the second respondent under Section 12 of Tamil Nadu Patta Passbook Act, 1983. If such appeal is filed, the same shall be disposed of by the second respondent as expeditiously as possible and in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

20.08.2025

vsm

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

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S.SOUNTHAR, J.

vsm

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