



W.P.(MD)No.22652 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.22652 of 2023
and
W.M.P(MD)No.18883 of 2023

Sakthi

.... Petitioner

/Vs./

1. The District Collector
Trichy District.
2. The Revenue Divisional Officer
Musiri, Trichy District.
3. The Tahsildhar
Thuraiyur Taluk Office, Thuraiyur,
Trichy District.

4. Poovayee

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of Joint Patta issued by the 3rd respondent dated 24.11.2022 and quash the same as illegal, consequently directing the Respondent No. 3 to restore the petitioner's separate patta.



W.P.(MD)No.22652 of 2023

WEB COPY

For Petitioner : Mr.K.Arunraj
For R1 to R3 : Mr.M.Lingadurai
Special Government Pleader
For R4 : Mr.D.Selvanayagam

ORDER

The petitioner challenges the order of the third respondent dated 24.11.2022 incorporating the name of the Poovayee and four others in patta No.1148 pertaining to survey No.227/6A. The petitioner has made an application for mutation of patta in his name and after conducting due enquiry, the petitioner was issued separate patta by the Tahsildar. Patta was duly mutated in the name of the petitioner by patta transfer order dated 26.10.2022. However, subsequently, in and by the impugned order dated 24.11.2022, within a span of a month, the patta has again been mutated including the names of the Poovayee and 5 others along with the petitioner's name.

2. It is the specific contention of the petitioner that the petitioner was not put on notice and no enquiry was conducted by the Tahsildar before the patta was mutated in the joint names in patta No.1148.



W.P.(MD)No.22652 of 2023

WEB COPY

3. The learned Special Government Pleader appearing for the respondents 1 to 3 is also unable to produce any documents to evidence the fact that notice was in fact served on the petitioner and that due enquiry was conducted in terms of Section 10 of the Patta Passbook Act.

4. The learned counsel appearing for the fourth respondent would submit that an appeal remedy is available under the Patta Passbook Act and therefore, the writ petition is not maintainable.

5. I have heard the learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.D.Selvanayagam, learned counsel appearing for the petitioner.

6. The only grievance of the petitioner is that when separate patta has been issued in the name of the petitioner, no mutation or change in records could have been effected without giving prior notice to the petitioner and that too, without hearing the objections of the petitioner. No doubt, as contended by the learned counsel for the fourth respondent



W.P.(MD)No.22652 of 2023

WEB COPY

that there is an appeal remedy provided under the Patta Passbook Act. If any person is aggrieved by an order of the Tahsildar, he /she is entitled to approach the Revenue Divisional Officer. However, the petitioner's complaint is that there has been violation of principles of natural justice and neither an opportunity was given nor enquiry was conducted before the order impugned in the writ petition came to be passed. It is therefore not necessary for this Court exercising jurisdiction under Article 226 of the Constitution of India to relegate the parties to avail of the statutory appeal remedy available under the Act. Once it is found on the basis of records, that there has been violation of principles of natural justice and fair play, then certainly, this Court can look into the matter and interfere, without driving the aggrieved party to approach the statutory authorities in terms of the Patta Passbook Act. Therefore, the contention of the learned counsel for the fourth respondent cannot be countenanced. Having found that the petitioner was not been put on prior notice before cancelling or including the names of various other persons in his separate patta, the impugned order is liable to be set aside.



W.P.(MD)No.22652 of 2023

WEB COPY

7. Accordingly, the impugned order is aside and the writ petition is allowed and the matter is remitted to the third respondent to conduct due enquiry after giving opportunity to the petitioner as well as the fourth respondent and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

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