



**W.A(MD) No.918 of 2021**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Dated : 13.02.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
AND  
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD) No.918 of 2021  
and  
C.M.P.(MD)No.4186 of 2021**

1.Balamuruganandham

2.Vetrivel Kannan

3.Kathirvel

... Appellants / Petitioners

**Vs**

1.K.Gunasekaran

... Firs Respondent / Petitioner

2.The Tahsildar,  
Vadipatti Taluk,  
Madurai Revenue District.

3.The Revenue Divisional Officer,  
Madurai Revenue District,  
District Collectorate,  
Madurai.

... Respondents 2 & 3 / Respondents 1&2

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 04.10.2016 in W.P.(MD)No.13723 of 2010 and thereby allowing this writ appeal.

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For Appellants : Mr.T.R.Jeyapalam  
For Respondents : Mr.S.Poornachandran  
for R1  
: Mr.K.Balasubramani  
Special Government Pleader  
for R2 & R3

### **ORDER**

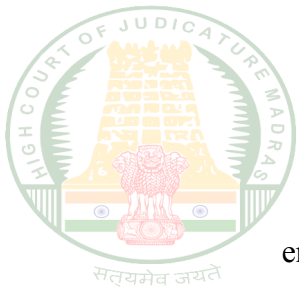
(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. We consciously refrain from going into the merits of the matter.

The case of the writ petitioner / R1 is that he figured as one of the joint pattadhars and his name was deleted from the revenue record without notice. In this background, he filed W.P.(MD)No.13723 of 2010. The writ petition was disposed of on 04.10.2016 in the following terms:-

“6.It is the case that the name of the writ petitioner was found in the joint patta issued by the first respondent in respect of the properties mentioned above. At the same time, no records are produced by the respondents 3 to 5, that notice was issued to the petitioner prior to the deletion of his name in the joint patta. At the same time, the respondents 3 to 5 have refuted all the allegations made by the petitioner. At this Juncture, it is not for this Court to conduct rowing



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enquiry in respect of the title of the parties in the aforesaid properties.

However, it is the fact that the first respondent previously issued joint patta by comprising the name of the petitioner also. So the first respondent ought to have issued notice to the petitioner before the deletion of his name and to have heard the petitioner. So, the petitioner is having right to send representation to the first respondent and the same is entitled to be considered as per law. At the same time, the title of the parties in the aforesaid properties cannot be looked into the writ proceedings. Therefore, it would be suffice to give direction to the first respondent to look into the grievance ventilated in his representation.

7. In the result:

(a) the writ petition is disposed of by directing the first respondent to consider the petitioner's representation dated 23.07.2010 by giving notice to the petitioner as well as to the respondents 3 to 5, by giving personal hearing and to pass orders;

(b) the said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.”

3. We agree with the stand of the learned counsel for the appellant that if the deletion was made by a formal order passed by the Tahsildar, then formal appeal has to be preferred before the jurisdictional RDO and that he cannot seek to undo the matters by submitting a mere representation. We therefore permit the writ petitioner / R1 herein to file an appeal before the jurisdictional RDO. If any such appeal is filed within six weeks from the date of receipt of a copy of this order, it shall



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be dealt with on merits and in accordance with law after due notice to the appellant and other interested parties. All the contentions of the appellant are left open. It is brought to our notice by the appellant that the parties have already moved the jurisdictional civil Court. Whatever order that may be passed by the RDO / appellate authority will be subject to the eventual decision that may be taken by the Civil Court. The impugned order is set aside. The writ appeal is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (M.J.R., J.)  
13.02.2025

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
rmi

To

1.The Tahsildar,  
Vadipatti Taluk,  
Madurai Revenue District.

2.The Revenue Divisional Officer,  
Madurai Revenue District,  
District Collectorate,  
Madurai.

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