



W.P.(MD)No.26252 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.26252 of 2024

and

W.M.P(MD)Nos.22247 & 22250 of 2024

K.Senthilnathan

.... Petitioner

/Vs./

- 1.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai Revenu Division,
Sivagangai District.
- 3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.
- 4.The Special Tahsildar,
Land Reforms Department,
Town Survey Scheme,
Devakottai Taluk,
Sivagangai District.
- 5.The Sub Registrar,
Registration Department,
Devakottai Sub Registrar Office,
Sivagangai District.



W.P.(MD)No.26252 of 2024

6.Saravanan

7.Rajalakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order in Pa.Mu.A1/3858/2023 dated 06.09.2024 issued by the second respondent quash the same.

For Petitioner	: Mr.H.Mohammed Imran M/s.Ajmal Associates
For R1 to R5	: Mr.S.Kameswaran Government Advocate
For R6 & R7	: Mr.K.R.Laxman

ORDER

Heard the learned counsel for the petitioner, Mr.S.Kameswaran, learned Government Advocate for the respondents 1 to 5 and the learned counsel for the respondents 6 & 7.

2. The primary grievance of the petitioner is that when the matter was pending enquiry before the second respondent, without even giving a fair opportunity to the petitioner and when the matter has been adjourned to a later date in September 2024, the second respondent has passed an order even on 06.09.2024. Therefore, the petitioner has filed the present writ petition challenging the impugned order of the second respondent.



W.P.(MD)No.26252 of 2024

WEB COPY

3. However, the learned counsel for the respondents 6 & 7 would bring to my notice that the petitioner, despite challenging the order of the second respondent has also filed statutory appeal before the first respondent and the same was listed for enquiry yesterday and now, it stands adjourned to another date. Therefore, the contention of the respondents 6 & 7 is that having preferred an appeal as available under the statute, the writ petition ought not to have filed the writ petition and seeks for dismissal of the writ petition.

4. The learned counsel for the petitioner submits that only because of the manner in which the order came to be passed on 06.09.2024, the petitioner was constrained to file the writ petition.

5. However, when the petitioner has admittedly challenged the impugned notice of the second respondent in a manner known to law, in terms of the provisions of the Patta Passbook Act does not open to the petitioner to parallelly file a writ petition. All the contentions available in the writ petition can always be raised by the petitioner before the appellate authority, namely the first respondent. However, considering



W.P.(MD)No.26252 of 2024

WEB COPY

the fact that the second respondent has passed an order on 06.09.2024 after posting the case for hearing to 12.09.2024, the said order of the second respondent shall be kept in abeyance till disposal of the appeal before the first respondent. The first respondent shall give an opportunity by way of personal hearing, which has been deprived to the petitioner by the second respondent. The respondents 6 and 7 shall also be equally entitled to a personal hearing before the first respondent. The first respondent shall conduct an enquiry and take a final decision based on the submissions advanced, both oral and documentary on the side of the petitioner and respondents 6 and 7, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly the writ petition is disposed off with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
am

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W.P.(MD)No.26252 of 2024

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W.P.(MD)No.26252 of 2024

P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.26252 of 2024

Dated:
26.02.2025