



W.P.(MD) No.27561 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.27561 of 2024

and

W.M.P(MD)No.23373 of 2024

A.Mohan

... Petitioner

vs.

1.The Revenue Divisional Officer,
Sivagangai.

2.The Tahsildar,
Thiruppuvanam,
Sivagangai District.

3.A.Ganesan

... 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 relating to the impugned order of the first respondent in Na.Ka.A3/3828/2024 dated 03.10.2024 quash the same and consequently direct the respondents 1 and 2 herein and their subordinates to restore the Patta No.476 for Survey No.30/5 measuring 0.20.0 hecs., in the name of the petitioner.



W.P.(MD) No.27561 of 2024

WEB COPY

For Petitioner : Mr.V.Janakiramulu

For Respondents : Mr.C.Satheesh
Government Advocate for R1 & R2

Mr.D.Senthil for R3

ORDER

The writ petition has been filed challenging the impugned order passed by the first respondent in Na.Ka.A3/3828/2024 dated 03.10.2024.

2.The petitioner claiming to be the absolute owner of the lands measuring 51 cents comprised in S.No.30/5 situated at Thirupachethi South Group, Thiruppuvanam Taluk, Sivagangai District, under a settlement deed executed by his mother. He obtained transfer of patta in his name way back in the year 1978. According to the petitioner, he has been in physical possession and enjoyment of the said lands from 1978 onwards without any interference from any person, including the third respondent. The third respondent has claimed title in respect of 0.20.0 hectares in the very same S.No.30/5 and has approached the first respondent for cancellation of patta standing in the name of the petitioner. The



W.P.(MD) No.27561 of 2024

WEB COPY

first respondent has conducted an enquiry and proceeded to cancel the patta of the petitioner, which is under challenge in the present writ petition.

3.The learned Government Advocate appearing for the official respondents would submit that an alternate remedy by way of appeal is available to the petitioner to challenge the order of the first respondent. Further, the third respondent also aggrieved by the said impugned order, he has already preferred an appeal and the same is pending before the District Revenue Officer, Sivagangai in Na.Ka.B4/3345/2025. Therefore, it is proper that the petitioner is also directed to participate in the said appeal proceedings and stake his claim challenging the impugned order of the first respondent, especially, in the light of the statutory appeal being available to the petitioner to challenge the order of the Revenue Divisional Officer.

4.In the light of the above, this Writ Petition is allowed in the following manner:-

- (i) The petitioner is directed to participate in the appeal in Na.Ka.B4/3345/2025 filed by the third respondent;



W.P.(MD) No.27561 of 2024

WEB COPY

(ii) The petitioner will be at liberty to raise all the grounds that have been taken in the present writ petition before the Appellate Authority namely, the District Revenue Officer, Sivagangai;

(iii) The District Revenue Officer, Sivagangai, shall hear the third respondent/appellant as well as the writ petitioner and after affording fair opportunity to both the parties, shall pass final orders in the appeal preferred by the third respondent, on its own merits and in accordance with law;

(iv) It is made clear that the claim of the petitioner shall also be considered by the District Revenue Officer, Sivagangai, while disposing of the appeal of the third respondent;

(v) The District Revenue Officer, Sivagangai, shall dispose of the appeal within a period of twelve weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

06.02.2025

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W.P.(MD) No.27561 of 2024

WEB COPY NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

1.The Revenue Divisional Officer,
Sivagangai.

2.The Tahsildar,
Thiruppuvanam,
Sivagangai District.



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W.P.(MD) No.27561 of 2024

P.B.BALAJI, J.

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W.P.(MD) No.27561 of 2024

06.02.2025