



W.P.(MD) No.28831 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.28831 of 2022
and W.M.P.(MD) No.22802 of 2022

Mukesh

... Petitioner

Vs

1. The Thasildhar,
Karambakudi Post and Taluk,
Pudukkottai District.

2. Jebamalai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, thereby direct the 1st respondent to restore the patta for S.No.118.4B punjai 0.20.0 ares of Vanakkankadu Village, Karambakudi Taluk, Pudukkottai District in its original position, that is, in the name of Velan.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.M.Gangatharan,
Government Advocate for R1
Mr.K.C.Maniyarasu for R2



W.P.(MD) No.28831 of 2022

ORDER

WEB COPY

This Writ Petition is filed seeking a direction to the first respondent to restore the patta for the property situate in S.No.118/4B with an extent of 0.20.0 ares in Vanakkankadu Village, Karambakudi Taluk, Pudukkottai District, to its original position ie., in the name of petitioner's grandfather Velan.

2. Heard the arguments of Mr.P.Ganapathi Subramanian, learned counsel for the petitioner, Mr.M.Gangatharan,, learned Government Advocate appearing for the first respondent and Mr.K.C.Maniyarasu, learned counsel for the second respondent.

3. According to the petitioner, the subject property is the ancestral property of his family and the patta was granted in favour of his grandfather Velan. The said Velan died on 20.06.2000 leaving behind his son Ramadoss, predeceased son's wife Chandra, another son Veerapandiyan and the daughters Selvanayagi and Gomathi to succeed his estate. The petitioner claims right under one of the sons of Velan viz., Veerapandiyan. The second respondent filed a suit in O.S.No.126 of 2003 on the file of Additional District Mnsif Court, Pudukkottai against all the legal heirs of Velan and the petitioner's mother Manimekalai. The



W.P.(MD) No.28831 of 2022

said suit was decreed *ex parte*. Taking advantage of the said fact, the second respondent got patta mutated in his favour. Aggrieved by the same, the petitioner filed this Writ Petition seeking direction to restore the patta in the name of his grandfather Velan.

4. From the averments found in the affidavit filed in support of this Writ Petition, it is not clear that whether the petitioner's father Veerapandian is alive or not. In any event, if the petitioner is aggrieved by the exclusive patta issued in favour of the second respondent, it is for him to file an appeal before the appellate authority viz., Revenue Divisional Officer. Instead of availing alternate remedy available under the Tamil Nadu Patta Pass Book Act, 1983, the petitioner is not entitled to file a Mandamus seeking direction to the original authority viz., the first respondent to restore the patta. The first respondent has no power to review his own order and therefore, this Writ Petition is dismissed with liberty to the petitioner to file an appeal before the Revenue Divisional Officer, questioning the patta issued in favour of the second respondent by the first respondent. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

vsm

10.07.2025

3/4



WEB COPY



W.P.(MD) No.28831 of 2022

S.SOUNTHAR, J.

vsm

To

The Thasildhar,
Karambakudi Post and Taluk,
Pudukkottai District.

W.P (MD) No.28831 of 2022

10.07.2025