BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2025

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.25668 of 2025
and
W.M.P(MD)Nos.20101 & 20102 of 2025

A.Ramakrishnan ...Petitioner

Vs

1.The District Collector,
Dindigul District
Dindigul .

2.The Revenue Divisional Officer,
Dindigul, Dindigul District.

3.The Tahsildar,
Natham Taluk,
Dindigul District.

4.Sagunthala ...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned Enquiry Notice issued by the 1st respondent in his proceedings in Na.Ka.No. 4507/2025/Aa4, dated 11.07.2025 and quash the same.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For Respondents : Mr.M.Muthumanikkam
Government Advocate
for R1 to R3

ORDER

An inquiry notice issued in July 2025 is the subject matter of challenge in this writ petition. The main basis of challenge is that patta No.3084 was issued to the petitioner and that any modification thereto may only be made by the Tahsildar as per Section 10 of the Tamil Nadu Patta Passbook Act, 1983. Instead of approaching the Tahsildar, the petitioner states that the 4th respondent approached the Revenue Divisional Officer.

2.By relying on sub-section (1) of Section 10, learned counsel for the petitioner contends that only the Tahsildar is vested with the authority to make modification of entries in the patta passbook.

3.He relies upon the judgement of this court in a batch of writ petitions, wherein the lead petition was W.P(MD)No.262 of 2018, wherein this Court relied on the earlier judgment of the Hon'ble Division Bench in Vishwas Footwear Company Limited Vs. District Collector, Kancheepuram reported in 2011 (5) CTC 1994.

4.Section 10(1) of the Tamil Nadu Patta Passbook Act, 1983 reads as under:-

> *"Where any person claims that any modification is required in respect of any entry in the patta pass book already issued under section 3 either by reason of the death of any person or by reason of the transfer of interest in the land or by reason of any other subsequent change in circumstances, he shall make an application to the Tahsildar for the modification of the relevant entries in the patta pass book."*

5.As it is noticeable from the text of subsection (1), the power of modification may be exercised by the Tahsildar in the following 3 circumstances:-

a)when modification is required by reason of the death of any person; or

b)when modification is required by reason of the transfer of interest in the land; or

c)when modification is required by reason of any other subsequent change in circumstances.

6.As is noticeable from the above, the Tahsildar is empowered to modify the entry in the patta passbook if the pattadar passes away and the name of such pattadar is required to be substituted by the names of the legal representatives. The second situation in which modification by the Tahsildar is permissible is if the pattadhar transfers the property and the transferee or transferor applies for the substitution of the name of the transferee instead of the name of the earlier owner. While the 3rd reason mentioned is any other subsequent change in circumstances, this expression should be construed *ejusdem generis* with the earlier reasons for modification. In other words, the phrase "any other subsequent change of circumstances" should be limited to changes analogous to those mentioned in the first two limbs of Section 10(1). It should be recognised that mutation of patta for the two specific reasons mentioned in Section 10(1) is intended to address subsequent developments, i.e.death or transfer, respectively, necessitating such change. It is importantly not intended to enable any modification on the ground that the earlier grant of patta was erroneous for any reason. If any other interpretation is placed on Section 10(1), the Tahsildar would be in a position to revisit and change his earlier order. That is clearly not the object and purpose of Section 10, especially in view of the fact that Section 12 of the statute provides for an appeal to the prescribed authority, which is the Revenue Divisional Officer.

7.In this case, patta No.3084 was issued in the name of the petitioner. Being aggrieved by the same, the 4th respondent approached the Revenue Divisional Officer on the ground that she should be joined as a joint pattadhar. I see no infirmity in the said course of action and no reason to conclude that the Revenue Divisional Officer lacks authority in this situation.

8.For these reasons, this writ petition is disposed of by declining to interfere but by leaving it open to the petitioner to participate in the inquiry and raise all objections therein. No costs. Consequently, connected writ miscellaneous petitions are also closed.

18.09.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

SENTHILKUMAR RAMAMOORTHY, J.

RJR

To

1.The District Collector,
Dindigul District
Dindigul .

2.The Revenue Divisional Officer,
Dindigul, Dindigul District.

3.The Tahsildar,
Natham Taluk,
Dindigul District.

W.P.(MD)No.25668 of 2025

18.09.2025