



W.P.(MD) No.28877 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.28877 of 2024

1.N.Mohammed Imran

2.S.Muthu Meerasha

...

Petitioners

Vs

1 The District Revenue Officer,
Ramanathapuram.

2 The Revenue Divisional Officer,
Ramanathapuram.

3 The Tahsildar,
Keelakkarai Taluk,
Ramanathapuram District.

4 The Sub Registrar,
Keelakkarai,
Ramanathapuram District.

5 S.Palanikumar

6. Mohammed Abdul Hameed

7. Jawahar Ali

...

Respondents

(Respondents 6 & 7 are impleaded vide
Court order dated 19.06.2025 in
WMP (MD) No.384 of 2025 in
W.P.(MD) No.28877/2024)



W.P.(MD) No.28877 of 2024

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified Mandamus, to call for the records relating to the impugned order, dated 19.06.2024, in Moo.Mu.A4/06/2024 passed by the 3rd respondent and quash the same and consequentially direct him to restore the Patta No.3723 in respect of the subject property in survey No.324/1156-39 , North Street, Keelakkarai Town, Ramanathapuram District, in the name of the second petitioner and consequentially direct the fourth respondent to delete the document remarks in respect of the settlement deed, dated 13.06.2024, bearing Document No. 1823 of 2024 executed by the second petitioner in favour of the first petitioner.

For Petitioners : Mr.J.Bharathan

For Respondents 1 to 4 : Mrs.S.Jeya Priya,
Govt. Advocate.

For Respondent 5 : Mr.K.Dinesh

For Respondents 6 & 7 : Mr.P.Vadivel

ORDER

The Writ Petition is filed, challenging the order passed by the third respondent, recalling his earlier order, dated 05.06.2024, transferring patta for the subject property in the name of the second petitioner, on the objection raised by respondents 6 and 7.



W.P.(MD) No.28877 of 2024

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2. The second petitioner herein claims right over the property situate in Survey No.324/1156/39, measuring 966 sq.ft. in North Street, Keelakkarai Town, Ramanathapuram District, under a settlement deed, executed by his father, dated 13.06.2024. The father of the second petitioner, in turn, claimed right under a registered sale deed, dated 10.09.1910. Based on this, the second petitioner filed a petition before the third respondent, seeking mutation of revenue records, and the same was ordered by the third respondent vide his proceedings in RTR/(A4)/06/2024, dated 05.06.2024.

3. Respondents 6 and 7, claiming that the subject property was originally classified as public road, filed an objection before the third respondent against the patta transfer order. Immediately on receipt of objection from respondents 6 and 7, the third respondent, who is also impleaded in his individual capacity as the fifth respondent, recalled the order passed in favour of the second petitioner, by order, dated 19.06.2024, which is impugned in this Writ Petition.

4. The impugned order passed by the third respondent is challenged mainly on the ground of jurisdiction.

5. Learned counsel for the petitioners submits that under the provisions of the Tamil Nadu Patta Pass Book Act, the original authority, namely, Tahsildar, has no power to recall the order passed by him.



W.P.(MD) No.28877 of 2024

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6. Learned counsel appearing for respondents 6 and 7 would submit that, in the old records, the subject property was classified as public road and, therefore, the third respondent committed an error in ordering patta transfer in favour of the second petitioner. In this regard, respondents 6 and 7 already submitted an objection before the third respondent and the same is said to be transferred to the second respondent, who is the appellate authority under the above said Act.

7. The then incumbent of the third respondent office is impleaded as the fifth respondent in this writ petition in his individual capacity. The learned counsel for fifth respondent produced an order of the third respondent in Na.Ka.A4/4635/2024, dated 17.06.2024, forwarding the objection raised by respondents 6 and 7 to the second respondent for necessary action.

8. Under the provisions of the Tamil Nadu Pata Pass Book Act, the original authority, namely, Tahsildar has no power to recall an order passed by him. If any person is aggrieved by the patta transfer, it is for him to file an appeal before the appellate authority under Section 12 of the said Act. The circumstances mentioned under Section 10 of the Act are also not satisfied in this case. Therefore, the impugned order passed by the third respondent, recalling the order passed by him, effecting patta transfer in favour of the second petitioner, is without jurisdiction and hence it is liable to be set aside.



W.P.(MD) No.28877 of 2024

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9. It is brought to the notice of this Court that the third respondent already forwarded the objection submitted by respondents 6 and 7 to the second respondent for consideration and necessary action.

10. In view of the same, the second respondent is directed to treat the objection forwarded to him by the third respondent as an appeal by respondents 6 and 7 and consider the same on its own merits and pass final orders within a period of twelve weeks from the date of receipt of copy of this order, after affording reasonable opportunity to writ petitioners and respondents 6 and 7.

11. Accordingly, the Writ Petition stands allowed. No costs. Consequently, the connected W.M.P.(MD) No.24463 of 2024 is closed.

12. In view of the allowing of the Writ Petition, any entry made by the fourth respondent in his records pursuant to the impugned order shall be deleted.

19.06.2025

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

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W.P.(MD) No.28877 of 2024

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W.P.(MD) No.28877 of 2024

S.SOUNTHAR, J.

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W.P.(MD) No.28877 of 2024

(1/3)

19.06.2025