



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.01.2025**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.29227 OF 2024

and

W.M.P(MD)No.24708 of 2024

1.R.Essakimuthu

2.D.Vanaraja

3.D.Bharathiraja

: Petitioners

.vs.

1.The District Collector,
Office of the District Collector,
Thoothukudi District.

2.The Revenue Divisional Officer,
Tiruchendur Taluk,
Thoothukudi District.

3.The Tahsildar,
Tiruchendur Taluk Office,
Thoothukudi District.

4.The Village Administrative Officer,
Paramankurichi Village,
Tiruchendur Taluk,
Thoothukudi District.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent pertaining to the impugned rejection order bearing Nos.2024/0105/28/288810,



2024/0105/28/28812, 2024/0105/28/288813 and
2024/0105/28/28816, dated 7.5.2024 and to quash the same as
illegal, void, arbitrary and consequently to direct the third
respondent to issue patta in favour of the Petitioners for the
property situated in Resurvey No.238/19D1, Paramankurichi
Village, Tiruchendur Taluk, Thoothukudi District.

For Petitioners :Mr.M.Mithun

For Respondents :Mr.A.Kannan
1 to 4 Addl.Govt.Pleader

ORDER

The Petitioner filed the above Writ Petition for a Writ of
Certiorarified Mandamus calling for the records of the third
respondent pertaining to the impugned rejection order bearing
Nos. 2024/0105/28/288810, 2024/0105/28/28812,
2024/0105/28/288813 and 2024/0105/28/28816, dated 7.5.2024
and to quash the same as illegal, void, arbitrary and consequently
to direct the third respondent to issue patta in favour of the
Petitioners for the property situate in Resurvey No.238/19D1,
Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District.

2.Heard the learned counsel appearing on either side and
perused the materials placed before this Court.With the consent of
both parties, the main Writ Petition is taken up for final disposal.



3.The Petitioner purchased the property to an extent of 4.50 cents in Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District, under a registered sale deed, dated 15.09.1992 from one Durairaj Nadar. As the Petitioner found some mistakes in the four boundaies of the property in the sale deed, a Rectification Deed was executed on 15.4.2024. On the very same day, Durairaj Nadar executed two settlement deeds in favour of second and third respondents and an application for separate patta was also submitted with relevant documents. The third respondent rejected the same on the ground that the land was shown as Natham land in the report filed by the fourth respondent. Challenging the said rejection order, the Petitioner has filed the above Writ Petition for the aforesaid relief.

4.The learned counsel for the Petitioner submitted that the impugned order was passed in gross violation of Section 10 of patta Passbook Act and Rule 4(7) of the Tamil Nadu Patta Passbook Rules. The counsel further submitted that the third respondent erred in rejecting the Petitioner's appliation on an erroneous view that the lands were classified as Natham lands.

5.The learned Additional Government Pleader appearing for the respondents 1 to 4 fairly conceded that from the impugned



order, it was clear that the procedure contemplated under Section 10 of the Patta Passbook Act and Rule 4(7) of the Tamil Nadu Patta Passbook Rules was not followed. The learned counsel, therefore, submitted that the matter may be remanded to the third respondent for fresh consideration.

6.As rightly pointed out by the learned counsel for the Petitioners, from a bare perusal of the impugned order, it is clear that no notice of enquiry was issued before cancelling the patta issued in favour of the Petitioners. Section 10 of the Patta Passbook Act and Rule 4(7) of the Tamil Nadu Patta Passbook Rules clearly contemplate that notice of enquiry should be issued and an enquiry has to be conducted before orders are passed.

7.As there is gross violation of the principles of natural justice, in my view, the impugned order cannot be sustained and accordingly, the same is set aside. The matter is remanded to the third respondent for fresh consideration. It is needless to state that the third respondent shall strictly follow the provisions of Tamil Nadu Patta Passbook Act and the Rules and pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.



8. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

06.01.2025

NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn

To

1. The District Collector,
Office of the District Collector,
Thoothukudi District.
2. The Revenue Divisional Officer,
Tiruchendur Taluk,
Thoothukudi District.
3. The Tahsildar,
Tiruchendur Taluk Office,
Thoothukudi District.
4. The Village Administrative Officer,
Paramankurichi Village,
Tiruchendur Taluk,
Thoothukudi District.



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6

N.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.29227 OF 2024
and
W.M.P(MD)No.24708 of 2024

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