



W.P.(MD) No.35865 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2025

CORAM

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD) No.35865 of 2025

and

W.M.P.(MD) Nos.28505, 28507 & 28510 of 2025

Paunthai

... Petitioner

Vs.

- 1.The District Collector,
Theni District.
- 2.The District Registrar,
Periyakulam Registration District,
Periyakulam, Theni District.
- 3.The Revenue Divisional Officer,
Uthamapalyam Taluk, Theni District.
- 4.The Thasildhar,
Uthamapalyam Taluk,
Theni District.
- 5.The Sub Registrar,
Thevaram Registrar Office,
Theni District.
- 6.Boomadevi
- 7.C.Siranjith



W.P.(MD) No.35865 of 2025

8.A.Sonaikaruppasamy

... Respondents

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 07.10.2025 passed by the fourth respondent vide proceedings in Na.Ka.No.298821/2025/A9 and quash the same as illegal and consequently direct the first, third and fourth respondents to restore the patta bearing No.4519 by cancelling the patta bearing No.5952 in respect of the property comprised in Old.Sur.No. 2981/1B1, New Sur.No. 2981/1B1B measuring an extent of 34 cents situated at Kombai East Village, Uthamapalayam Taluk, Theni District within a stipulated time period in accordance with law.

For Petitioner : Mr.M.Ramesh

For R1 to R5 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 07.10.2025 passed by the fourth respondent *vide* proceedings in Na.Ka.No.298821/2025/A9, to quash the same as illegal, and consequently to direct the first, third, and fourth respondents to restore Patta No.4519 by cancelling Patta No.5952 in respect of the



W.P.(MD) No.35865 of 2025

property comprised in Old Survey No.2981/1B1, New Survey No. 2981/1B1B, measuring an extent of 34 cents, situated at Kombai East Village, Uthamapalayam Taluk, Theni District, within a stipulated time period in accordance with law.

2. With the consent of the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner submits that the father of the petitioner executed an irrevocable gift deed dated 04.07.2007 in favour of the petitioner and her sister, Ponnuthai; that thereafter, the petitioner and her sister executed a gift deed dated 28.02.2011 in favour of their brother, which was later revoked by them on 26.12.2013; that subsequently, the petitioner's father cancelled the gift deed dated 04.07.2007 executed in favour of the petitioner and her sister, without their knowledge, and executed a Will in favour of the petitioner's mother, the sixth respondent herein; that on the application of the sixth respondent, the fourth respondent, after conducting the enquiry in a biased manner, cancelled the patta issued in favour of the petitioner and her sister by the impugned order, on the strength of which a fresh patta was issued



W.P.(MD) No.35865 of 2025

in favour of the sixth respondent; that the sixth respondent thereafter transferred the property in favour of the seventh respondent, who, in turn, entered into a sale agreement with the eighth respondent; that as per Section 10 of the Tamil Nadu Patta Pass Book Act, 1983, the fourth respondent can only modify an existing patta and has no power to cancel a patta already issued; and that the fourth respondent ought to have directed the sixth respondent to approach the civil court, since the cancellation of the gift deed dated 04.07.2007 is itself illegal.

4. The learned Additional Government Pleader for the first to fifth respondents submits that the petitioner, apart from this Writ Petition, has filed an appeal against the impugned order before the Appellate Authority, namely, the third respondent/Revenue Divisional Officer, and that the Revenue Divisional Officer is the competent authority under Section 12 of the Tamil Nadu Patta Pass Book Act, 1983.

5. Since the petitioner has filed an appeal before the third respondent, namely, the Revenue Divisional Officer, and as the Revenue Divisional Officer is the competent authority under Section 12 of the Tamil Nadu Patta Pass Book Act, 1983, without expressing any opinion



W.P.(MD) No.35865 of 2025

on the merits of the matter, this Writ Petition is disposed of with a direction to the third respondent to consider the petitioner's appeal on its merits and in accordance with law and to pass appropriate orders within a period of three months from the date of receipt of a copy of this order. Before passing any order in the appeal, the third respondent shall provide a reasonable opportunity of hearing to the petitioner, the second respondent, and any other persons who may be affected by such decision. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[K.SURENDER, J.]
16.12.2025

JEN

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order / Non-Speaking Order

To

- 1.The District Collector,
Theni District.
- 2.The District Registrar,
Periyakulam Registration District,
Periyakulam, Theni District.
- 3.The Revenue Divisional Officer,
Uthamapalyam Taluk, Theni District.



W.P.(MD) No.35865 of 2025

4.The Thasildhar,
Uthamapalyam Taluk,
Theni District.

5.The Sub Registrar,
Thevaram Registrar Office,
Theni District.



WEB COPY



W.P.(MD) No.35865 of 2025

K.SURENDER, J.

JEN

W.P.(MD) No.35865 of 2025

16.12.2025