



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :29.09.2015
CORAM
THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.14407 of 2015
and
M.P(MD)Nos.1 and 2 of 2015

Muthuraman @ Viji

...Petitioner

Vs.

1.The Special Tahsildar,
(Town Survey and land Tax Scheme),
Karaikudi,
Sivagangai District.

2.The Sub-Collector,
Devakottai,
Sivagangai District.

(R-2 is impleaded vide Court order dated 16.09.2015
in M.P(MD)No.3 of 2015)

...Respondents

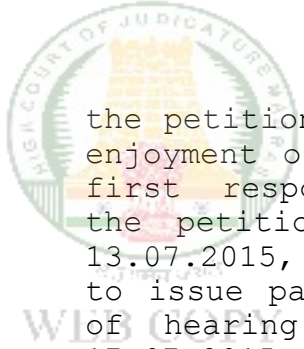
Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the order of the respondent, dated 17.07.2015 in Na.Ka.No.48/2015 quash the same and consequently direct the respondent to change the patta in the name of the petitioner for the property in plot No.75 in town Survey No.429 at Kurichiyeanthal @ Kurichi Vayal, Karaikudi.

For petitioner : Mr.J.Anandkumar
For Respondents : Mr.S.Kumar
Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the order of the first respondent, dated 17.07.2015 in Na.Ka.No.48/2015, quash the same and consequently direct the respondent to change the patta in the name of the petitioner for the property in plot No.75 in town Survey No.429 situated at Kurichiyeanthal @ Kurichi Vayal, Karaikudi.

2.It is averred in the petition that a vast extent of property in Survey No.429 situated at Kurichivayal belongs to Karaikudi Nattars and a suit for partition came to be filed in the year 1933 in respect of the above said property. In the said suit, preliminary decree was passed in the year 1960. In the said allotment item No.28, plot No.75 in Survey No.429(part) was allotted to one Meyyappan Ambalam, S/o. Karuppan Ambalam. After the said allotment, the said property was in possession and enjoyment of the said Meyyappan Ambalam. The petitioner's mother purchased the said property from one Mohammed Kasim for a valuable consideration by way of a registered sale deed, dated 26.05.1981. The said Mohammed Kasim purchased the said property from one Alagappan by way of a registered sale deed in the year 1980. From the date of purchase,



the petitioner's mother and the petitioner are in peaceful possession and enjoyment of the property. Thereafter, the petitioner approached the first respondent for change of patta in the name of the petitioner. But the petitioner was made to run from pillar to post. Finally on 13.07.2015, the petitioner made a representation to the first respondent to issue patta. But the first respondent without giving an opportunity of hearing to the petitioner has issued the impugned memo dated 17.07.2015 in Na.Ka.No.48/2015 refusing to change the name of the petitioner stating that there was ban order issued by the Sub-Collector, Devakottai. Challenging the same, the present Writ Petition has been filed by the petitioner.

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the order passed by the Sub-Collector, Devakottai, is only relating to Kottaiyur Natta and not Karaikudi Nattar. The petitioner has purchased the property only from Karaikudi Nattar. Further, the impugned order has been passed without considering the documents produced by the petitioner and without giving an opportunity of hearing to the petitioner and hence, the impugned order is liable to be set aside.

4. Heard the submissions of the learned Additional Government Pleader also.

5. Considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averment made in the Writ Petition, this Court is constrained to pass the following order:

The Writ Petition is allowed and impugned order of the first respondent dated 17.07.2015, is hereby set aside. The first respondent is directed to conduct enquiry on the representation submitted by the petitioner, dated 13.07.2015 and pass orders on merits and in accordance with law, by affording an opportunity of hearing to the petitioner as well as by considering the documents produced on his side, within a period of twelve weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Special Tahsildar, (Town Survey and Land Tax Scheme), Karaikudi, Sivagangai District.
- 2.The Sub-Collector, Devakottai, Sivagangai District.

+1CC to Mr.J.Anandkumar, Advocate, SR.No. 57332

+1CC to The Special Government Pleader SR.No.57487.

W.P (MD) .No.14407 of 2015
29.09.2015