



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.15813 of 2015

and

M.P(MD)No.1 of 2015

C.Raman

...Petitioner

Vs.

The Tahsildar,
Pudukkottai,
Pudukkottai District.

...Respondent

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 relating to the impugned order in Na.Ka.No.10121/2015/B4, dated 25.08.2015 on the file of the respondent and quash the same and consequently direct the respondent to issue patta in favour of the petitioner in respect of the remaining property in Survey No.279/22 to an extent of 12 cents situated at Adappakaran Chathiram, Natham Pannai Village, Pudukkottai District.

For petitioner	: Mr.G.Mathavan
For Respondent	: Mr.M.Murugan, Government Advocate

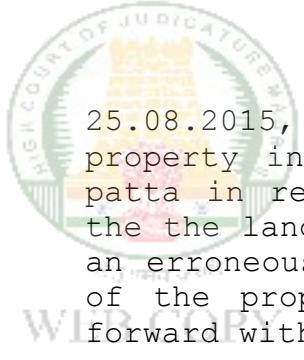
ORDER

This Writ Petition has been filed praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Na.Ka.No.10121/2015/B4, dated 25.08.2015 on the file of the respondent and quash the same and consequently direct the respondent to issue patta in favour of the petitioner in respect of the remaining property in Survey No.279/22 to an extent of 12 cents situated at Adappakaran Chathiram, Natham Pannai Village, Pudukkottai District.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up final disposal.

4. It is averred in the affidavit filed in support of the Writ Petition that the petitioner is having hereditary property in Survey No.279/22 to an extent of 12 cents situated at Adappakaran Chathiram, Natham Pannai Village, Pudukkottai District. In respect of the said property, the petitioner filed a suit in O.S.No.185 of 2008 on the file of the Principal District Munsif Court, Pudukkottai, for permanent injunction against one Sannachi and others and the same was decreed in favour of the petitioner. In the said suit, the said Sannachi admitted that the above said property in Survey No.279/22 and the adjacent land, is in enjoyment of the petitioner, for a long period. Hence, the petitioner made a representation before the respondent on 15.05.2015 along with the request to grant patta to the petitioner for survey No.279/22. Now, the respondent issued the impugned order, dated



25.08.2015, stating that the petitioner was not in possession of the property in Survey No.279/20. But the petitioner asked for grant of patta in respect of the land in Survey No.279/22 and not in respect of the the land in Survey No.279/20. But, the impugned order was passed by an erroneous assumption as if the petitioner sought for patta in respect of the property in Survey No.279/20. Hence, the petitioner has come forward with the Writ Petition seeking to quash the impugned order.

5. Heard the submissions made on either side and perused the materials available on record.

6. Considering the factual aspects, I am of the opinion that it is appropriate to quash the impugned order.

7. In the result, the Writ Petition is allowed and the impugned order of the respondent, dated 25.08.2015, is hereby set aside. No Costs. The matter is remitted back to the respondent. The respondent is directed to conduct fresh enquiry and pass orders by affording an opportunity of hearing to all the necessary parties, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
The Tahsildar, Pudukkottai,
Pudukkottai District.

+1cc to Mr.G.Mathavan, Advocate in SR.No.50923

W.P(MD) .No.15813 of 2015
02.09.2015

pm
PBK/SK-SKN/SAR-II 07/09/2015 ::2P-3C::