



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P (MD) .No.18674 of 2015

Motcham

...Petitioner

Vs.

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

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

...Respondents

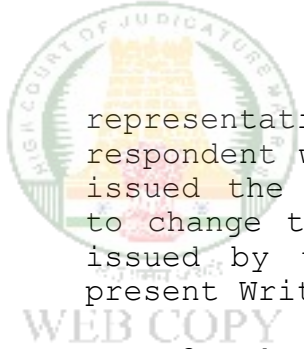
This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the order of the first respondent, dated 09.10.2015 in Na.Ka.No.346/2015 quash the same and consequently direct the first respondent to change the patta in the name of the petitioner for the property in plot No.50 in town Survey No.429, New Survey No.1443 at Kurichiyeanthal @ Kurichi Vayal, Karaikudi.

For petitioner	: Mr.J.Anandkumar
For Respondents	: Mr.M.Murugan, Government Advocate

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 09.10.2015 in Na.Ka.No.346/2015 quash the same and consequently direct the first respondent to change the patta in the name of the petitioner for the property in plot No.50 in town Survey No.429, New Survey No.1443 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 suit, certain items were allotted to Karaikudi Nattars. The petitioner had purchased the said property from one Mohammed Abbas for a valuable consideration by way of a registered sale deed, dated 18.08.2003. The said Mohammed Abbas had purchased the said property from one Ayyasamy Ambalam by way of a registered sale deed dated 23.02.1970. From the date of purchase from his vendor, the petitioner is in peaceful possession and enjoyment of the property. Thereafter, the petitioner had 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 09.10.2015, 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 09.10.2015 in Na.Ka.No.346/2015 refusing to change the name of the petitioner stating that there was a 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 Nattar and not Karaikudi Nattar. The petitioner had 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 Government Advocate 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 09.10.2015, is hereby set aside. The first respondent is directed to conduct enquiry on the representation submitted by the petitioner, dated 09.10.2015 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.

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.Anand Kumar,Advocate, SR.No. 60702

+1CC to The Special Government Pleader SR.No. 60811.

W.P(MD).No.18674 of 2015

13.10.2015