



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:15.12.2016
CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

W.P.(MD)No.6448 of 2015
and
M.P.(MD)No.1 of 2015

K.Pandiyan

... Petitioner

Vs.

1.The Commissioner of Revenue Administration(CRA),
Ezhilagam,
Chennai - 9.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai District.

3.The Tahsildar,
O/o. The Tahsildhar,
Madurai North Taluk,
Madurai District.

4.The zonal Deputy Tahsildar,
Koozhapandi,
Madurai North Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in O.Mu.No.394/2015/B2, dated 09.01.2015 on the file of the Respondent No.3 and quash the same as illegal and consequently directing the respondent no. 1 to 3 to grant patta for property in survey no.158/9 extent about 0.12.0 hectare situated in Pothumpu, I Bit Village, Madurai North Taluk, Madurai District, within a time frame to be stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader

O R D E R

<https://hcservices.courts.gov.in/hcservices>
The petitioner is aggrieved against the order of the third respondent, dated 09.01.2015, in refusing to transfer patta in the name of the petitioner from the erstwhile owners.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials placed before this Court.

3. The grievance of the petitioner is that the third respondent passed the impugned order without affording an opportunity of hearing to the petitioner to establish his claim for transfer of patta by producing documents of title in his favour. In other words, it is the contention of the petitioner that he has purchased the property only from the legal heirs of the erstwhile owners and he would satisfy the third respondent, if an opportunity is given to him.

4. The learned Additional Government Pleader appearing for the respondents submitted that if the petitioner is having material title deeds in respect of the property for which he is seeking transfer of patta, he can approach the third respondent, who in turn will consider his request for transfer of patta.

5. Considering the above said facts and circumstances and the submissions made by the learned counsel appearing on either side, this Court is of the view that the matter can be remitted back to the third respondent for fresh consideration as the impugned order appears to have been passed without affording an opportunity of hearing to the petitioner.

6. Accordingly, this Writ Petition is allowed and the impugned order is set aside and the matter is remitted back to the third respondent for considering the claim of the petitioner afresh and pass orders on merits and in accordance with law, after perusal of documents to be filed by the petitioner. The petitioner shall file such documents before the third respondent within a period of two weeks from the date of receipt of a copy of this order. The third respondent shall pass the order as stated supra, within a period of six weeks thereafter. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar(J)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Revenue Administration(CRA),

Ezhilagam,

<https://hcservices.ecourts.gov.in/hcservices/>

Chennai - 9.



2.The Revenue Divisional Officer,
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O/o. The Tahsildhar,
Madurai North Taluk,
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4.The zonal Deputy Tahsildar,
Koozhapandi,
Madurai North Taluk,
Madurai District.

+1cc to Mr.T.Lajapathi Roy,Advocate Sr.No.81140

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.81381

W.P. (MD) No.6448 of 2015
15.12.2016

pm

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