



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.09.2017
CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD)No.6477 of 2016

WEB COPY

Periyapirati

: Petitioner

-vs-

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

2. The Sub Collector,
Devakottai,
Sivagangai District.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the order of the 1st respondent, dated 04.03.2016 in SR/8673/16, quash the same and consequently, direct the 1st respondent to change the patta in the name of the petitioner for the property of 3900 sq. feet in Plot No.314 in Town Survey No.392, New Survey No.1425 at Kurichiyeanthal @ Kurichi Vayal.

For Petitioner

: Mr.J.Anandkumar

For Respondents

: Mr.C.Selvaraj

Special Government Pleader

O R D E R

The petitioner has come up with the present writ petition challenging the order of the first respondent, dated 04.03.2016 and consequently direct the 1st respondent to change the patta in her name.

2.The petitioner would state that a vast extent of property in Survey No.392 (New Survey No.1425) 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 properties. In the said suit, preliminary decree was passed in the year 1960 and certain items were allotted to the share of Karaikudi Nattars.

3.The petitioner would claim that she purchased properties from P.V.Arunachalam for a valuable consideration, by way of a



registered Sale Deed, dated 15.09.1983. The said P.V.Arunachalam purchased the said property from one Nagasoundaram through a registered sale deed, dated 12.10.1978. From the date of purchase, the petitioner has been in peaceful possession and enjoyment of the property. Thereafter, the petitioner approached the first respondent for change of patta in her name. But the petitioner was made to run from pillar to post. Finally, on 26.02.2016, 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 04.03.2016 stating that there was ban order issued by the Sub Collector, Devakottai. Challenging the same, the present writ petition.

4.Mr.J.Anandkumar, learned counsel for the petitioner would submit that the order passed by the Sub Collector, Devakottai is only relating to Kottaiyur Nattar and not Karaikudi Nattar. The petitioner purchased the properties only from Karaikudi Nattar. Further, the impugned order has been passed without considering the documents produced by the petitioner and without giving opportunity of hearing to the petitioner and hence, the impugned order is liable to be set aside, by following the order passed in similar matter made W.P(MD)No.14407 of 2015, dated 29.09.2015.

5.Mr.C.Selvaraj, learned Special Government Pleader for the respondents would submit that the first respondent has passed order banning the title of Karaikudi Nattars, which included Iluppakudi Devasdhanam and hence, the impugned memo passed by the first respondent is valid in law and prayed for dismissal of the writ petition.

6.The main grievance of the petitioner is that the impugned order came to be passed, without considering the documents produced by the petitioner.

7.In view of the above facts, this writ petition is allowed and the impugned order of the first respondent is set aside. The first respondent is directed to conduct enquiry on the representation/petition submitted by the petitioner and pass suitable orders afresh purely on merits and in accordance law, by affording an opportunity of hearing to the petitioner as well as to the necessary parties if any, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/



To

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

2. The Sub Collector,
Devakottai,
Sivagangai District.

+ 1 CC TO MR.J.Anandkumar, ADVOCATE IN SR No. 80334

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.81042

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MK/SKN RSK/SAR-1/12.10.2017/3P/5C

W.P. (MD) No.6477 of 2016

21.09.2017