



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P.(MD)No.6479 of 2016

Natarajan

: 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 21.03.2016 in Ta.Va.Ka.No.51/16, quash the same and consequently, direct the 1st respondent to change the patta in the name of the petitioner for the property in Survey Ward 3, in Block No.12, New Survey No.1395 of 2645 sf. feet 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 21.03.2016 and consequently direct the 1st respondent to change the patta in his name.

2.The petitioner would state that a vast extent of property in Survey No.392/9A1A (New Survey No.1395) 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 Selvaraj for a valuable consideration, by way of a registered Sale Deed, dated 12.06.2000. The said Selvaraj purchased the said



property from one Subramanian, who was the power agent of one Indra through a registered sale deed, dated 01.10.1992. 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 his name. But the petitioner was made to run from pillar to post. Finally, on 07.03.2016, 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 21.03.2016 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.

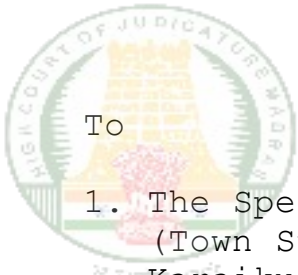
6.The main grievance of the petitioner is that the impugned order came to be passed, without considering the documents produced by the petitioner.

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. 80332
er

MK/SKN RSK/SAR-1/12.10.2017/3P/4C

W.P. (MD) No. 6479 of 2016
21.09.2017