



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.8295 of 2018

P.Sumangala Amma

... Petitioner

vs.

1.The District Revenue Officer,
KanyaKumari District, Nagercoil.

2.The Revenue Divisional Officer,
Agastheeswaram Taluk,
Kanyakumari District, Nagercoil.

3.The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District,
Nagercoil.

... Respondents

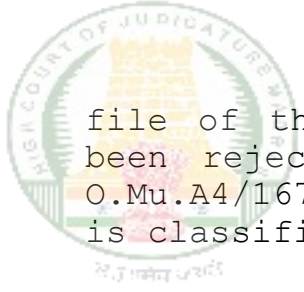
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in O.Mu.A4/1671/2018 dated 28.02.2018 passed by the 3rd respondent and quash the same and consequently directing the 3rd respondent to issue joint patta in the name of petitioner and her sisters namely, Tmt.Kanagambika Amma and Suseela Amma with respect to the property comprised in Re-Survey No.386/8 of Vembanur Village, Agastheeswaram Taluk, Kanyakumari District on the basis of the decree dated 28.01.2009 in O.S.No.181 of 2008, on the file of the Court of Principal District Munsif at Nagercoil.

For Petitioner	:	Mr.M.Suri
For Respondents	:	Mr.V.Anand
		Government Advocate

ORDER

Heard Mr.M.Suri, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.

2.The petitioner's request for grant the patta in the name of petitioner and her sisters, namely, Kanagambika Amma and Suseela Amma with respect to the property comprised in Re-Survey No.386/8 of Vembanur Village, Agastheeswaram Taluk, Kanyakumari District on the basis of the decree dated 28.01.2009 in O.S.No.181 of 2008, on the



file of the Court of Principal District Munsif at Nagercoil, has been rejected by the third respondent by the impugned order in O.Mu.A4/1671/2018, dated 28.02.2018, on the ground that the property is classified as a Arasu Poromboke Kuttai.

3. Since the classification is a water-body, the petitioner may not be justified in claiming patta. Nevertheless, the learned counsel for the petitioner submitted that the present impugned order has been issued in violation of principles of natural justice, since the respondent herein had passed the impugned order without giving opportunity to the petitioner and receiving their objections. On this limited ground, the petitioner may be justified, since the petitioner has a right to be heard before any adverse decision is taken against therein. In the interest of justice, I am of the view that the petitioner should be given opportunity of being heard before taking a decision on the application seeking for patta. Therefore, the impugned order in O.Mu.A4/1671/2018 dated 28.02.2018, is set aside and the matter is remitted back to the third respondent to consider afresh, after giving due prior notice to the petitioner herein and pass his speaking order by considering the objections raised by the petitioner herein. Such an exercise shall be done, within a period of eight weeks from the date of receipt of a copy of this order.

4. This writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar (CS-II)

To:

1. The District Revenue Officer,
Kanyakumari District, Nagercoil.

2. The Revenue Divisional Officer,
Agastheeswaram Taluk,
Kanyakumari District, Nagercoil.

3. The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District,
Nagercoil.

+1cc to Mr. M. Suri, Advocate, SR.No.72573.

W.P. (MD) No.8295 of 2018
12.07.2018

SJI

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

RAM/SKN/SAR 2/25.07.2018/2P/5C