



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2018

WEB COPY

C O R A M

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.21658 of 2017

K.Ayyachamy

.. Petitioner

Vs.

1.The District Collector
District Collectorate Campus,
Trichy

2.The Revenue Divisional Officer,
Sri Rengam, Trichy.

3.The Tahsildar
Taluk Office,
Marungapuri,
Trichy District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned proceedings issued by the third respondent in Na.Ka.Aa2/3656/2017, dated 09.08.2017, quash the same and consequently direct the third respondent to transfer the patta in favour of the petitioner for the lands bearing Survey No.227/2, 411, 416/2 and 414/1 situate at Yahapuram Village, Marungapuri Taluk, Trichy District.

For Petitioner : Mr.R.Thangapandian
For Respondents : Mr.M.Rajarajan
Government Advocate

O R D E R

This writ petition has been filed, challenging the order passed by the Tahsildar and also for transferring the patta in favour of the petitioner.

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

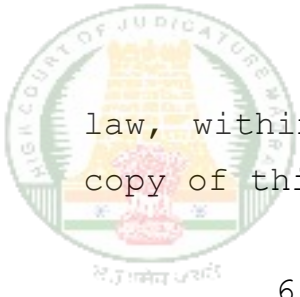


2. I have heard the learned counsel for the petitioner and also heard the learned Government Advocate appearing for the respondents.

3. According to the petitioner, the property in question originally belongs to one Chinna Gounder and during his life time, he executed an unregistered 'Will' infavour of the petitioner on 04.11.2009. Thereafter, he died on 26.12.2009. Based on the said Will, the petitioner approached the respondents to transfer the patta in his name and when his application was not considered, he filed a writ petition in WP(MD) No.11972 of 2017 seeking a direction to the Tahsildar to pass orders on his application and this Court, by order, dated 29.06.2017, directed the Tahsildar to consider the application of the petitioner, dated 24.03.2017, after providing an opportunity to all the necessary parties and pass appropriate orders on merits and in accordance with law. Now, according to the petitioner, pursuant to the order passed by this Court, the Tahsildar, without giving an opportunity of hearing to the petitioner, straight away, has passed the present impugned order, thereby rejected the petitioner's request seeking patta in his favour.

4. On perusal of the order passed by this Court in WP(MD) No.11972 of 2017 dated 29.06.2017, it is seen that this Court specifically directed the respondents to provide an opportunity of hearing to all the parties and pass appropriate orders on merits and in accordance with law. On perusal of the impugned order dated 09.08.2017, it is seen that no enquiry was conducted and no opportunity was given to the petitioner or other parties.

5. In the above circumstances, the order passed by the third respondent is set aside and the matter is remitted to the third respondent, who, in turn, shall give notice to the petitioner as well as other legal heirs of Chinna Gounder and conduct a detailed enquiry and pass orders on merits and in accordance with



law, within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition is allowed to the extent indicated above. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector
District Collectorate Campus,
Trichy
- 2.The Revenue Divisional Officer,
Sri Rengam, Trichy.
- 3.The Tahsildar
Taluk Office,
Marungapuri,
Trichy District.

+1cc to M/S.R.THANGA PANDIAN, Advocate SR.No.41015.

+1cc to Special Government Pleader in SR.No.41734.

W.P. (MD) No.21658 of 2017
09.01.2018

rm

SDS/SV:MMS/SAR 4/18.01.2018/3P/6C