



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.5292 of 2011

D.Joseph

... Petitioner

Vs.

The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

... Respondent

Petition filed under Article 226 Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the respondent in ref C1/4025/11 dated 18.3.2011 and quash the same and direct the respondent to issue patta to the petitioner in pursuance of the petitioner's application dated 02.03.2011.

For Petitioner : Mr.G.Rajendran

For Respondent : Mr.Aayiram K.Selvakumar
Additional Government Pleader**ORDER**

Challenging the order passed by the Tahsildar/respondent herein, refusing to grant separate patta in the name of the petitioner, this writ petition has been filed.

2.According to the petitioner, he has purchased a house site in Plot No.18, measuring 1633 square feet in Survey No.249/2B1A of Thottakudi Village, Tirunelveli District, from one Joseph Raja S/o.Chellathurai Nadar by way of a registered sale deed dated 29.04.2008. Subsequently, he made an application to the respondent to grant separate patta in his name. But the Tahsildar, passed the impugned order, refusing to grant patta stating that from the perusal of the computer section, it is seen that patta for the above property is shown as surplus land. Challenging the above order, this writ petition has been filed.

3.The learned Additional Government Pleader appearing for the respondent submitted that from the perusal of available records it could be seen that earlier the land has been declared as surplus land under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961). In the above circumstances,



the present impugned order has been passed.

4. From the perusal of the order it could be seen that the respondent, without conducting any enquiry or given opportunity to the petitioner, has straight away passed the impugned order rejecting the petitioner's application on the ground that the land was classified as surplus land.

5. In the above circumstances, the impugned order passed by the respondent is set aside and the matter is remitted to the respondent. The respondent is directed to issue a notice of hearing to the petitioner. On receipt of notice, the petitioner is directed to file objections and thereafter, the respondent is directed to conduct enquiry and pass orders on merits and in accordance with law.

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

+ 1 cc TO Mr.G.Rajendran , Advocate in SR No. 46487
+ 1 cc TO The Special Government Pleader in SR No. 46934

mj

AE/JC/SAR2/16.02.2018/2P/4C

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