

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 22538 of 2012
and
W.M.P. No. 35913 of 2018

K.Sundaram .. Petitioner
Vs.

1. The District Collector
Ariyalur District
Ariyalur.

2. The Revenue Tahsildar
Ariyalur Taluk
Ariyalur District.

3. K.Kaliyaperumal ... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the orders of the second respondent in Na.Ka.A1/8764/2012 dated 16.07.2012 relating to cancellation of patta in Survey No.141/6C1A3 of Walajahnagaram Village, Ariyalur Taluk, Ariyalur district and quash the same.

For Petitioner : Mr. S.Kamadevan

For Respondents : Ms. A.Madhumathi
Special Government Pleader
(For R1 & R2)
No appearance (For R3)

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O R D E R

Heard Mr. S.Kamadevan, learned counsel for the petitioner, Ms. A.Madhumathi, learned Special Government Pleader for the first and second respondents.

2. Though notice has been served on the third respondent and his name is printed in the cause list, none appeared for the third respondent.

3. The petitioner is aggrieved by the order passed by the second respondent cancelling the exclusive patta granted in favour of the petitioner and entering the name of the third respondent as a joint pattadhar. The third respondent is none other than the petitioner's brother.

4. The learned counsel for the petitioner submits that the impugned order has been passed without notice to the petitioner, solely based upon order passed by the Human Rights Commission.

5. The learned Special Government Pleader appearing for the first and second respondents submits that the petitioner is no more as he is passed away on 5.5.2017.

6. Perusal of the impugned order shows that no opportunity was afforded to the petitioner. Therefore, the petitioner is right in contending that there is violations of principles of natural justice. If according to the second respondent, there is any direction from the Human Rights Commission then the petitioner should have been put on notice. Therefore, the impugned order needs to be set aside on the ground of violation of principles of natural justice.

7. For the above reasons, the writ petition stands allowed and the impugned order is set aside and the second respondent is directed to restore the patta as it originally stood prior to the impugned order. If still the third respondent is aggrieved, it is open to the third respondent to pursue his claim before the civil court in the suit stated to have been filed by him, which according to learned counsel for the petitioner is dismissed for default. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

maya

To

1. The District Collector
Ariyalur District
Ariyalur.

2. The Revenue Tahsildar
Ariyalur Taluk
Ariyalur District.

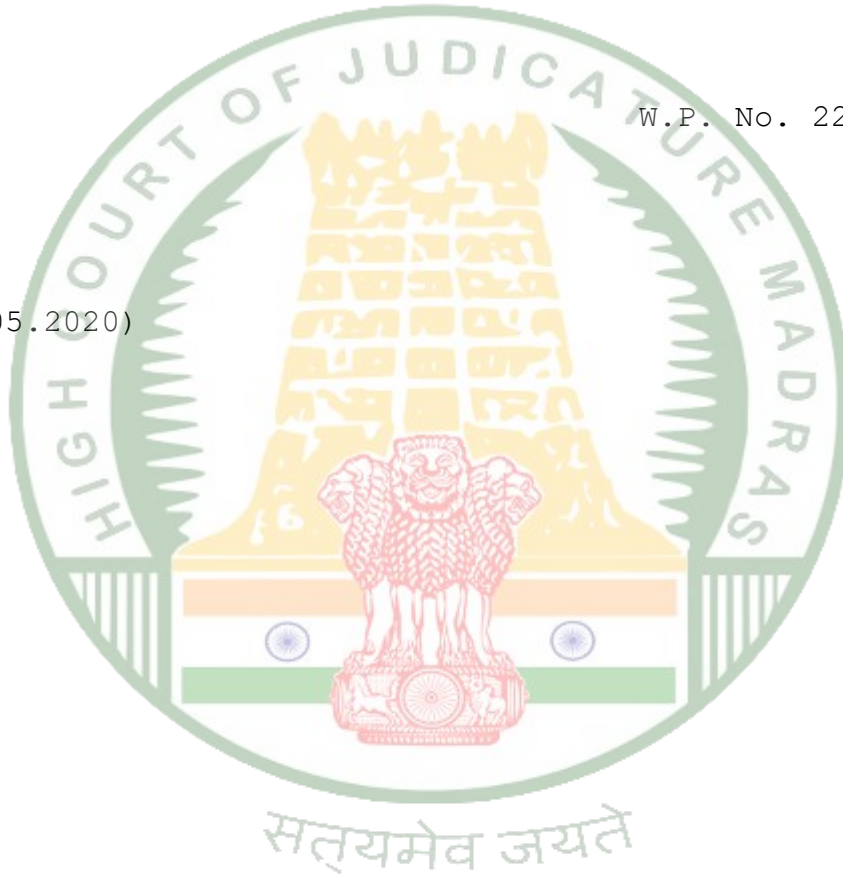
+lcc to M/s.S.Kamadevan, Advocate, S.R. No.19039.

+lcc to the Government Pleader, S.R.No.20233.

W.P. No. 22538 of 2012

CP (CO)

VSI-2 (29.05.2020)



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