



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.2633 of 2020

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Avudai

: Petitioner

vs.

- 1.The District Collector,  
Pudukottai District.
- 2.The Tahsildar,  
Aranthangi Taluk,  
Pudukottai District.
- 3.Surya Prabhu,  
Tahsildar,  
Aranthangi Taluk,  
Pudukottai District.
- 4.The Village Administrative Officer,  
Merpanaikadu Village,  
Aranthangi Taluk, Pudukottai District.
- 5.Ilanchezhian
- 6.Annalakshmi

: Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent, in Na.Ka.No.4520/2019/A3, dated 30.01.2020 and quash the same as it is arbitrary and illegal and in consequent, to direct the second respondent to issue a separate patta from joint patta No.978 in the petitioner's name for his property measuring 6 ½ cents out of 0.24.0 Ares in S.No.39/11A in Merpanaikadu Village in Aranthangi Taluk, after surveying and subdividing the same on the basis of the petitioner's sale deed, dated 21.07.2011 in accordance with law.



For R1, R2 and R4

:Mr.A.Muthukaruppan  
Additional Government Pleader

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**ORDER**

This Writ Petition is filed to quash the impugned order passed by the second respondent, in Na.Ka.No.4520/2019/A3, dated 30.01.2020 and to direct the second respondent to issue a separate patta from joint patta No.978 in the petitioner's name for his property measuring 6 ½ cents out of 0.24.0 Ares in S.No.39/11A in Merpanaikadu Village in Aranthangi Taluk, after surveying and subdividing the same on the basis of the petitioner's sale deed, dated 21.07.2011 in accordance with law.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner states that he purchased the property from respondents 5 and 6 by a registered sale deed, dated 21.07.2011. The petitioner, on the basis of the sale deed, has approached the second respondent for sub division of properties. The said petition was rejected only on the basis of the statement of respondents 5 and 6, who have questioned the validity of the registered sale deed executed by them and the statement of the Village Administrative Officer about the enjoyment of the property.

4.The learned Counsel for the petitioner states that the fourth respondent did not serve notice, as it was recorded in the impugned order.

5.From the impugned order, the finding is given on the basis of the statement of Village Administrative Officer. When the petitioner has not participated in the enquiry, recording a finding without giving notice to the petitioner about the remarks or statement of Village Administrative Office before the Tahsildar, renders the order invalid and violative of principles of natural justice. The contention of the respondents 5 and 6 is contrary to the statement of Village Administrative Officer denying title, which is not admissible against the terms of registered documents. Hence, the impugned order is in violation of principles of natural justice.

6.Hence, the order impugned in the Writ Petition, dated 30.01.2020 is quashed. The second respondent is directed to consider the petitioner's representation for sub division and issuance of separate patta afresh and pass appropriate orders on merits and in accordance with law after giving sufficient opportunity to the petitioner and other interested persons. If the property is also claimed by any private parties, the same may also be decided on the basis of revenue records or supporting documents as per the previous records. If the claim is not supported by any document, those persons may be directed to establish their right



before Civil Court to get access through property of petitioner.

7. With the above directions, this Writ Petition is allowed.  
No costs.

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/True copy/

Sd/  
Assistant Registrar

/02/2020  
Sub Assistant Registrar

cmr  
To

1. The District Collector,  
Pudukottai District.
2. The Tahsildar,  
Aranthangi Taluk,  
Pudukottai District.
3. The Village Administrative Officer,  
Merpanaikadu Village,  
Aranthangi Taluk, Pudukottai District.

+1 cc Mr.R.SURIYANARAYANAN ,Advocate, SR.No. 5724  
+1cc to M/s.Special Government Pleader,SR.No. 6110

W.P. (MD) No.2633 of 2020  
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CMR  
KK/SAR/20.02.2020/3P-6C