



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.09.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

**W.P. (MD) No.11765 of 2020**

**and**

**W.M.P. (MD) No.10206 of 2020**

WEB COPY

Thangammal

...Petitioner

Vs

1.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.

2.The Tahsildar,  
Paramakudi Taluk,  
Ramanathapuram District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents from cancelling the House site Patta issued to petitioner in Natham Survey No.457/20 to the extent of 97 Sq.Mt. of Tharikomban Village, Radhapuli Village Group, Paramakudi Taluk, Ramanathapuram District without due process of law.

For Petitioner : Mr.V.Kannan

For Respondents: Mr.C.Ramesh

Special Government Pleader

### **ORDER**

This Writ Petition is filed to forbear the respondents from cancelling the house site patta issued in favour of the petitioner in respect of the petition mentioned property situated at Tharikomban Village, Radhapuli Village Group, Paramakudi Taluk, Ramanathapuram District.

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

3.It is the case of the petitioner that the 2<sup>nd</sup> respondent, by proceedings dated 06.08.2018, had issued patta to him for the petition mentioned property. However, based on the complaint given by some of the rival parties, the respondents are trying to cancel the aforesaid patta. Hence, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner would submit that without providing any opportunity to the petitioner, the respondents are trying to cancel the said patta.



5.In reply, the learned Special Government Pleader appearing for the respondents would submit that the petitioner has approached this Court on the apprehension that without affording an opportunity, the concerned authority will pass an order for cancellation of the patta granted in favour of the petitioner. As per the law settled by this Court, the concerned authority shall not pass order, without affording an opportunity to the petitioner, if cancellation order is passed. Hence, at this stage, the writ petitioner has approached this Court on the apprehension that the cancellation order will be passed. Therefore, the said contention of the writ petitioner cannot be entertained and the same is liable to be rejected.

6.Recording the submission made by the learned Special Government Pleader, this Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS )

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
- 2.The Tahsildar,  
Paramakudi Taluk,  
Ramanathapuram District.

+1 CC to SGP ( SR-17274[F] dated 17/09/2020 )

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NR (06.10.2020) 2P 4C