



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.25884 of 2013 and
MP.Nos.1 & 2 of 2013

K.Chenniappan

...Petitioner

Vs

1. The District Collector,
Coimbatore
2. The Sub Collector,
Pollachi
3. The Zonal Deputy Tahsildar,
Pollachi
4. A.Thangavel

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the entire records relating to the impugned patta transfer order dated 27.04.2011 passed by the third respondent herein in Ne.Mu.2837/11/A3 and quash the same.

For Petitioner : Mr.L.Mouli

For Respondents

For R1 to 3 : Mr.Richardson Wilson,
Government Advocate

For R4 : Mr.M.N.Balakrishnan

ORDER

This Writ Petition is filed to issue a writ of certiorari calling for the entire records relating to the impugned patta transfer order dated 27.04.2011 passed by the third respondent herein in Ne.Mu.2837/11/A3 and quash the same.

2. The petitioner is the owner of the agricultural land in SF.No.230/1D2 to an extent of 0.42.0 hectare situated in Arthanaripalayam Village, Pollachi, Coimbatore. He derived the said property by registered partition deed dated 22.05.1981. He



was also issued patta by the third respondent in patta No.116 in patta passbook No.234562. While being so, the fourth respondent on the strength of the forged settlement deed executed in his favour, made application to the third respondent to include his name as joint pattadar. On receipt of the same, the third respondent without issuing notice to the petitioner and without conducting any enquiry, mechanically issued joint patta on 27.04.2011 for the very same property. Thereafter, the petitioner obtained information under Right to Information Act, also revealed that on the application submitted by the fourth respondent herein, the third respondent issued joint patta No.511.

3. Though the third respondent has power to modify in respect of any entry in the patta passbook by reason of the death of any reason or by the reason of the transfer of interest in the land or by reason of any other subsequent change in circumstances, as per Section 10(3)(a) of the said Act, before passing an order on an application under sub section 1, the Tahsildar shall follow such procedure as may be prescribed and shall also give a reasonable opportunity to the parties concerned to make their representations either orally or in writing.

4. In the case on hand, admittedly the third respondent without issuing any notice and without giving any opportunity of hearing to the petitioner on the application received from the fourth respondent issued joint impugned patta. It amounts to violation of principles of natural justice and as such the impugned patta cannot be sustained as against the petitioner.

5. In view of the above, the impugned patta transfer order dated 27.04.2011 is set aside and the writ petition is allowed. The matter is remitted back to the third respondent for passing fresh order after issuance of notice to the petitioner and the parties concerned and after giving opportunity of hearing and pass orders on merits and in accordance with law. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore.
2. The Sub Collector,
Pollachi.
3. The Zonal Deputy Tahsildar,
Pollachi.

+1cc to Mr.L.Mouli, Advocate, S.R.No.51183

WP.No.25884 of 2013

RP[co]
NSK 09/11/2021