



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)Nos.6966 and 6968 of 2021

and

W.M.P(MD)Nos.5355, 5357, 5358 & 5359 of 2021

(Through Video Conference)

D.Thangaraj Pandian ... Petitioner in W.P(MD)No.6966/2021

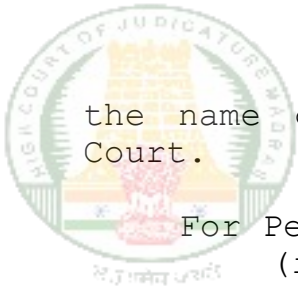
T.Savithiri ... Petitioner in W.P(MD)No.6968/2021

-Vs-

The Tahsildar,
Aruppukkottai Taluk,
Virudhunagar District. ... Respondent in both W.Ps'

Prayer in W.P(MD)No.6966 of 2021:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned proceedings of the respondent dated 26.03.2017 thereby unilaterally cancelled the patta bearing Patta No.2144 standing in the name of the petitioner with respect to the land properties comprised in Survey Nos.440/1A, 440/2A, 441/1, 442/3A, 442/4A, 442/5A, 442/6A, 449/5A1, 5B1, 456/2A, 3A, 4A, 456/5B1, 457/2A and 458/2A measuring about 9.16.25 Ares situated at Thummuchinnampatti Village, Aruppukkottai Taluk, Virudhunagar District and quash the same and consequently direct the respondent to restore the patta in the name of the Petitioner within the time frame fixed by this Court.

Prayer in W.P(MD)No.6968 of 2021:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned proceedings of the respondent dated 26.03.2017 thereby unilaterally cancelled the patta bearing Patta No.2145 standing in the name of the petitioner with respect to the land properties comprised in Survey Nos.440/1B, 440/2B, 441/2, 442/3B, 442/4B, 442/5B, 442/6B, 449/5A2, 5B2, 456/2B, 3B, 4B, 456/5B2, 457/2B and 458/2B measuring about 9.17.25 Ares situated at Thummuchinnampatti Village, Aruppukkottai Taluk, Virudhunagar District and quash the same and consequently direct the respondent to restore the patta in



the name of the Petitioner within the time frame fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
(in both W.Ps')

For Respondent : Ms.M.Rajeswari
(in both W.Ps') Government Advocate

COMMON ORDER

The issue involved in both the Writ Petitions are common and hence they are taken up together, heard and this common order is passed.

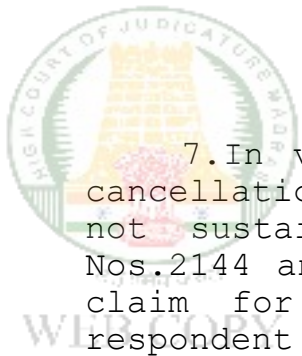
2.The petitioners, who are the husband and wife, have challenged the unilateral cancellation of the pattas granted in their favour in Patta Nos.2144 & 2145 and the same being restored in the original name of the vendors' vendee.

3.The case of the petitioners is that the petitioner in W.P(MD)No.6966 of 2021 purchased the subject properties from one Balakrishnan through registered sale deed, dated 08.04.2015. Thereafter certain portions of the properties were settled in favour of the petitioner in W.P(MD)No.6968 of 2021 through a registered settlement deed, dated 29.09.2016. Thereafter applications were filed seeking sub-division of the properties and for issuance of pattas before the respondent. The respondent after conducting the survey and enquiry on the title of the properties, issued pattas in the name of both the petitioners in Patta Nos.2144 and 2145.

4.The grievance of the petitioners is that they came to know that the respondent had cancelled the pattas issued in favour of the petitioners without giving any notice in the year 2017 itself and it has been restored in the name of the vendors' vendee. According to the petitioners, they were not called for any enquiry and no proceedings are available and the only document that is available is the computer pattas that have been filed from pages 82 to 96 which reflects the names of the vendors' vendee. Aggrieved by the same, the present Writ Petitions have been filed before this Court.

5.Heard Mr.B.Prahalad Ravi, learned counsel appearing for the petitioners and Ms.M.Rajeswari, learned Government Advocate appearing for the respondent.

6.The learned Government Advocate appearing on behalf of the respondent, on instructions, submitted that the pattas issued in favour of the petitioners were cancelled without issuing notice to the petitioners.



7. In view of the specific stand taken by the respondent, the cancellation of the pattas issued in favour of the petitioners are not sustainable. The respondent is directed to restore Patta Nos.2144 and 2145 in the names of the petitioners. If there is any claim for patta with respect to the subject properties, the respondent shall issue notice to the petitioners and the concerned parties who are seeking for a patta and conduct an enquiry and thereafter pass an order. The mutation in the revenue records shall take place only after issuing notice to the petitioners.

8. Both the Writ Petitions are disposed of accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

The Tahsildar,
Aruppukkottai Taluk,
Virudhunagar District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-16788[F] dated 21/04/2021)

+1 CC to M/s.SPL GP (SR-17176[F] dated 22/04/2021)

W.P(MD)Nos.6966 and 6968 of 2021
21.04.2021

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