



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P(MD)No.8698 of 2021

Singaram

... Petitioner

versus

1. The Sub Collector,
Sub Collector's Office,
Trichy - Dindigul Road,
Vannankovil,
Srirengam, Trichy District.

2. The Tahsildar,
Marungapuri Taluk,
Marungapuri,
Trichy District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the impugned communication of the 2nd respondent in his proceedings in x/K/M/2-3023/2021 dated 05.02.2021 and quash the same.

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.M.Lingadurai,
Government Advocate (Civil)

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 05.02.2021.

2. The case of the petitioner is that the subject property belonged to his father and after his demise, the petitioner became the owner of the property and he is in possession and enjoyment of the same. It is stated that the petitioner is doing agricultural activities in the property. The further case of the petitioner is that the second respondent had issued a joint patta in Patta No.1560 in favour of the father of the petitioner.

3. After the demise of the father of the petitioner, the petitioner made an application to include his name in the patta, by deleting the name of his father. The first respondent, on receipt of the application, directed the second respondent to conduct an enquiry and submit a report through his communication dated 05.11.2020.

4. The grievance of the petitioner is that the second respondent straightaway proceeded to pass an order rejecting the application made by the petitioner. Aggrieved by the same, the



present writ petition has been filed before this Court.

5. Heard Mr.B.Prahalad Ravi, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

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6. In the considered view of this Court, the first respondent had made it clear through his letter dated 05.11.2020 that the second respondent has to conduct an enquiry and submit a report to the first respondent in order to enable the first respondent to pass orders on the application submitted by the petitioner. Instead of conducting an enquiry and submitting a report, the second respondent has proceeded to pass the impugned order and the application made by the petitioner has been rejected. This order passed by the second respondent is illegal, since this order has been passed without affording any opportunity to the petitioner and the competent authority, who should have dealt with the application of the petitioner, was only the first respondent.

7. In view of the above discussion, this Court has no hesitation to interfere with the impugned order dated 05.02.2021 passed by the second respondent and accordingly, the same is hereby quashed. There shall be a direction to the first respondent to proceed further with the enquiry on the application made by the petitioner on 13.10.2020 and deal with the same on its own merits and in accordance with law and pass orders within a period of eight (8) weeks from the date of receipt of a copy of this order. The petitioner at the time of participating in the proceedings shall submit all relevant documents in support of his claim.

8. This writ petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar (CSI)

// 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.

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To

<https://hcservices.ecourts.gov.in/hcservices/>



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+1 CC to M/s.SPL GP (SR-19661[F] dated 18/06/2021)

+1 CC to M/s.B.PRAHALADRAVI, Advocate (SR-19713[F] dated 21/06/2021)

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17.06.2021

GS (25.06.2021) 3P 5C