



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11558 of 2020

Kopperundevi

... Petitioner

Vs.

1.The District Revenue Officer,
Tiruchirappalli District, Trichy.

2.The Revenue Divisional Officer,
Lalgudi, Tiruchirappalli District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the 1st respondent's proceedings in Na.Ka.Aa 2 18992/2019 dated 18.07.2019 and quash the same as illegal and confirm the proceedings of the 2nd respondent in Pa Mu Aa-2 1601/2019 dated 20-06-2019.

For Petitioner

: Mr.G.Sankaran for
M/s.A.ArunPrasad

For Respondent

: Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed challenging the proceedings of the first respondent, dated 18.07.2019 and for a consequential direction to confirm the proceedings of the second respondent, dated 20.06.2019.

2.The case of the petitioner is that the house site was originally assigned in favour of one Subramaniapillai by the proceedings of the Tahsildar, dated 13.06.1948. After assignment, the said Subramaniapillai constructed a house in the property and was in possession and enjoyment of the same. He and his wife left behind their daughter Amminiammal as the only legal heir. Before the demise of the mother, she is said to have executed a Will in the year 1983 in favour of her nephews. After her death, the property vested on them.

3.One of the beneficiary under the Will namely Saravanakumar is the husband of the petitioner and he also expired on 05.08.2013. Therefore, his share devolved upon the petitioner and the other



beneficiary namely Manivannan executed a sale deed in favour of the petitioner on 07.03.2016 and thereby, the petitioner became the absolute owner of the subject property.

4.The petitioner applied for transfer of patta before the second respondent and the second respondent after conducting an enquiry passed orders on 20.06.2019, whereby, the transfer of patta was granted in the name of the petitioner under the Natham Settlement proceedings.

5.The grievance of the petitioner is that the first respondent without issuing any notice to the petitioner, proceeded to pass the impugned order cancelling the patta issued in favour of the petitioner and restored the patta to its original position. Aggrieved by the same, the present writ petition has been filed before this Court.

6.Heard Mr.G.Sankaran, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents.

7.The learned counsel for the petitioner apart from raising various grounds, focused on the ground that the order has been passed by the first respondent without notice and without giving an opportunity to the petitioner and therefore, the impugned order is liable to be interfered by this Court on that ground alone for violation of principles of natural justice.

8.The learned Government Advocate appearing on behalf of the respondents, by relying upon the counter affidavit filed by the first respondent submitted that the property in question has been classified as Arasu Poramboke Natham in the revenue records and therefore, there is no question of issuing a patta in the name of the petitioner. In order to substantiate the said submission, the learned Government Advocate relied upon the detailed counter affidavit filed by the first respondent placing various facts before this Court.

9.In the considered view of this Court, there is no requirement to go into the merits of this case, since the impugned order passed by the first respondent is liable to be interfered on the ground of violation of principles of natural justice. The order passed by the first respondent certainly results in civil consequences and the petitioner is able to trace the title / right over the property from the year 1948 onwards and therefore, there was much to be said on the side of the petitioner. If the first respondent had conducted the proceedings by giving an opportunity to the petitioner, the version of the petitioner should have been taken into consideration while passing the orders. Therefore, this Court deems it appropriate to interfere with the proceedings of the first respondent and



remand the matter back to the file of the first respondent to consider the claim made by the petitioner after affording opportunity to the petitioner and thereafter, pass orders within the time limit fixed by this Court.

10. In the result, the impugned proceedings of the first respondent made in Na.Ka.Aa 2 18992/2019, dated 18.07.2019, is hereby quashed. The matter is remanded back to the file of the first respondent and the first respondent is directed to issue fresh notice to the petitioner and conduct an enquiry and afford opportunity to the petitioner and pass final orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Revenue Officer,
Tiruchirappalli District, Trichy.

2. The Revenue Divisional Officer,
Lalgudi, Tiruchirappalli District.

+1 CC to M/s.SPL GP (SR-20155[F] dated 24/06/2021)

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KB(06.07.2021) 3P 4C