



W.P(MD)No.20112 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.20112 of 2013

Sarojini Devi

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Manapparai,
Trichy District.

2.Mariammal
3.Lakshmi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in proceedings in Na.Ka.No.Aa2/1813/2013, dated 07.03.2013 of the first respondent and quash the same and direct the first respondent to mutate and issue patta in the name of the petitioner to an extent of 4 acres 96 cents of agriculture land in S.F.Nos.487/1, 487/2, 487/4, 498/5, 490/3, 490/5, 491/5, 491/7, 491/9, 491/13, 487/8, 487/9 and 487/11 of Thoppampatti Village, Manapparai Taluk.

For Petitioner : M/s.A.N.Ramanathan



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For R-1 : M/s.G.Siva Raja
Government Advocate
For R-2 & R-3 : No appearance

ORDER

This writ petition has been filed challenging the order of the first respondent, dated 07.03.2013, rejecting the request of the petitioner to grant patta on the ground that, a civil suit is pending and the second and third respondents have objected to it.

2. The learned Counsel for the petitioner would submit that there is no civil suit pending between the parties, namely, the petitioner and the second and third respondents herein and further he would contend that the second and third respondents are the vendors of the property. While passing the impugned order, no opportunity of hearing was given to the petitioner and the same had been passed in a mechanical manner.

3. The learned Government Advocate appearing for the first respondent would submit that as there are objections from the second and third respondents, the first respondent had passed the order, rejecting the



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request for the mutation of patta in the name of the petitioner. Even though the second and third respondents have entered appearance through a counsel, no one had appeared before this Court.

4. The impugned order passed by the first respondent baldly refers to the civil proceedings. No details of the case has been mentioned in the impugned order. That apart, he had stated that the second and third respondents had given an objection. When that be so, he ought to have put notice to the petitioner and heard him and pass orders. Hence, I am of the view that the impugned order is in violation of the principles of natural justice. Hence, the impugned order is set aside. The first respondent is directed to consider the application of the petitioner after giving due opportunity of hearing to the petitioner and the second and third respondents as well and thereafter, pass orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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5. With the above said observation, the writ petition stands allowed. There shall be no order as to costs.

08.12.2022

Index : Yes / No
Internet : Yes / No
btr

To

The Tahsildar,
Taluk Office,
Manapparai,
Trichy District.



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K.KUMARESH BABU, J.

btr

Order made in
W.P(MD)No.20112 of 2013

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