



W.P(MD)No.2633 of 2013 batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

**W.P(MD)No.2633, 2998, 3008, 2961, 2962,
3041, 3042, 2786, 2787, 2888, 2789 of 2013
and M.P(MD).Nos.1,1,1,1,1,1,1,1,1,1 and
2,2,2,2,2,2,2,2,2,2, of 2013**

W.P(MD).No.2633 of 2013

Kannathal

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Office,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Devakottai Taluk,
Devakkottai, Sivagangai.

4.Vellaisamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records from the second respondent in his order in PMP1-14451-2012 dated 07.12.2012 and quash the same as illegal and



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consequently direct the second respondent to restore the patta in the petitioner name in land in S.No.35/1A, 2A at Semanenthal Village, Devakottai Taluk, Sivagangai District.

For Petitioner : Mr.P.Kannadasan
For Respondents : Mr.S.Muthuvijayan (for R1 to R3)
Special Government Pleader
Mr.C.M.Mari Chelliah Prabhu (for R4)
for M/s.Eddy & Emboss Law Firm

COMMON ORDER

The present writ petitions have been filed challenging the order passed by the second respondent herein dated 07.12.2012, under which the patta standing in the name of the writ petitioners were cancelled and restored in the name of the fourth respondent's father.

2.According to the learned counsel for the petitioners, the property in dispute originally belonged to one Muthuraman, who sold it to the writ petitioners by way of sale deeds of the year 2007. Thereafter, patta has been mutated in the name of all the writ petitioners on 07.12.2007. The fourth respondent herein has made an application on 10.05.2012 before the second respondent herein contending that during UDR proceedings erroneously one Muthuraman name was inserted in the



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patta. However, the property originally belongs to his father Karuppan and after his death, it has devolved upon him. Hence, he prayed for cancellation of the patta standing in the name of the purchasers and restore it in the name of his father.

3.The second respondent herein by way of the impugned orders, dated 07.12.2012 has cancelled the patta standing in the name of the writ petitioners and restored the same in the name of Karuppan, who is the father of the fourth respondent herein.

4.The learned counsel for the petitioners has contended that though patta was transferred in the name of the petitioners on 07.12.2007 itself, no notice was issued to the writ petitioners before passing the impugned orders by the second respondent herein.

5.A perusal of the impugned orders indicate that the second respondent has proceeded to issue notice only to the legal heirs of the petitioners' vendor and not to the petitioners, who had purchased the property in the year 2007 and patta has also been mutated in the name of the petitioners in the year 2007. Therefore, the impugned orders passed



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by the second respondent herein are in violation of principles of natural justice, without affording opportunity to the writ petitioners in whose name patta was standing.

7.In view of the aforesaid facts, orders impugned in these writ petitions are set aside and the matters are remitted back to the file of the second respondent herein for passing orders on merits and in accordance with law, after giving due opportunity to the writ petitioners and the fourth respondent herein. The said exercise shall be completed within a period of twelve(12) weeks from the date of receipt of a copy of this order.

8.Accordingly, the Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.08.2022

Index : Yes / No
Internet : Yes / No
Rmk

To

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R.VIJAYAKUMAR ,J.



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