



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P. [MD]No.3642 of 2022

and

W.M.P. [MD]Nos.3174, 3177 and 3180 of 2022

WEB COPY

Vanitha N.Patel,
Represented by her father and Power Agent,
Nathu K.Patel.

... Petitioner

/Vs./

1.The Revenue Divisional Officer,
Tiruchirapalli West,
Tiruchirapalli.

2.The Tahsildhar,
Tiruchirapalli West,
Tiruchirapalli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records in the office of the 1st respondent relating to the Proceedings in Pa.Mu.Mo.A7/1240/2016 dated 29.08.2016 as illegal and arbitrary and consequently direct the 1st respondent to pass orders after affording opportunity to the petitioner.

For Petitioner : Mr.B.Jeyakumar

For Respondents : Mr.B.Saravanan

Additional Government Pleader

ORDER

This writ petition has been filed challenging the Proceedings of the first respondent dated 29.08.2016 under which, a direction was issued to the concerned Tahsildar to cancel the petitioner's pattas, as the lands which are subject matters of the said pattas are Government lands.

2.According to the petitioner, between the years 2016 and 2020, she has purchased several properties, which are the subject matters of the impugned proceedings. It is her case that the pattas were also issued in her name and her predecessors' names for the subject properties. But under the impugned proceedings, without affording any hearing to the petitioner as well as her predecessors in title, a direction has been issued to the concerned Tahsildar to cancel the pattas, which stand in the name of the petitioner, as according to the first respondent, the subject lands are Government lands and not patta lands. In such circumstances, the petitioner has filed this writ petition.



3. Heard Mr.B.Jeyakumar, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, appearing for the respondents.

4. Admittedly, no notice of hearing was given to the petitioner by the first respondent in the impugned proceedings. The petitioner has produced title deeds and pattas standing in her name and her predecessors' names for the subject properties in order to establish that the petitioner and her predecessors in title were owning the subject properties. A categorical stand has been taken by the petitioner that the subject lands are not the Government lands, but patta lands.

5. As seen from the impugned proceedings of the first respondent, admittedly, no notice of hearing was given to the petitioner or her predecessors in title. Under the impugned proceedings, the first respondent has directed the concerned Tahsildar to cancel the pattas standing in the name of the petitioner and her predecessors in title for the subject lands. Though in the impugned proceedings, the fact that the petitioner and her predecessors in title were issued with pattas for the subject lands is recorded, the first respondent has not issued any notice of hearing to the petitioner or her predecessors in title. The passing of the impugned proceedings will certainly be detrimental to the interest of the petitioner. Therefore, necessarily, the first respondent ought to have granted an opportunity of hearing before passing the impugned proceedings.

6. It is also contended by the learned counsel appearing for the petitioner that the first respondent does not have jurisdiction to pass the impugned proceedings and it is only the District Revenue Officer, who has got the jurisdiction to pass such a proceeding. Since the petitioner was not afforded an opportunity of hearing, the contentions raised by the petitioner in this writ petition have not been adjudicated upon by the first respondent. Unless and until the petitioner is heard, no final orders can be passed on merits and in accordance with law.

7. For the foregoing reasons, this Court is of the considered view that the principles of natural justice have been violated by the first respondent before passing the impugned proceedings, which indirectly affects the rights of the petitioner. Therefore, the impugned proceedings has to be necessarily quashed. Accordingly, the impugned proceedings dated 29.08.2016 is quashed and the matter is remanded back to the District Revenue Officer, Tiruchirapalli West, Tiruchirapalli, for fresh consideration, on merits and in accordance with law, after affording a fair opportunity of hearing to the petitioner, within a time frame to be fixed by this Court.



8.It is also fairly conceded by the learned Additional Government Pleader appearing for the respondents that it is only the District Revenue Officer, who is having jurisdiction to decide the dispute, which is the subject matter of this writ petition.

9.The District Revenue Officer, Tiruchirapalli West, Tiruchirapalli, shall pass final orders on merits and in accordance with law, as directed supra within a period of twelve (12) weeks from the date of receipt of a copy of this order.

10.With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

/TRUE COPY/

/ /2022

Sub Assistant Registrar(CS)

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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.

Copy To:

The District Revenue Officer,
Tiruchirapalli West,
Tiruchirapalli,

To

- 1.The Revenue Divisional Officer,
Tiruchirapalli West,
Tiruchirapalli.
- 2.The Tahsildhar,
Tiruchirapalli West,
Tiruchirapalli.

+1 CC to M/s.B.JEYAKUMAR, Advocate (SR-9267[F] dated 01/03/2022)

+1 CC to M/s.SPL GP (SR-9191[F] dated 01/03/2022)

order made in

W.P. [MD]No.3642 of 2022

Dated:

28.02.2022

MK/18.03.2022/3P/6C