



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.4764 of 2022

and

W.M.P. (MD) .No.3957 of 2022

WEB COPY

K.Thangavelu

... Petitioner]

Vs.

The Tahsildar,
Madurai East Taluk,
Madurai District.

... Respondent

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 of the impugned online rejection order dated 19.11.2020 published by the respondent in the official web-site and quash the same as illegal and arbitrary exercise of power and consequently direct the respondent to issue patta in the name of the petitioner in respect of house site property to an extent of 4 cents and 155 square feet in Survey No.78/1A4 situated at Uthangudi (Rajiv Gandhi Nagar extension) near Ulaganeri, Madurai, based on the registered sale deed dated 16.10.2008 within a time frame as fixed by this Court.

For Petitioner	:	Mr.R.Gowrishankar
For Respondent	:	Mr.T.Amjad Khan, Government Advocate.

ORDER

This Writ Petition has been filed challenging the order dated 19.11.2020 under which the petitioner's application seeking for issuance of subdivision patta has been rejected.

2. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. According to him, without affording any opportunity of hearing by a non-speaking order, the impugned order has been passed. The petitioner has produced documents along with the Writ Petition to substantiate his case that he is entitled for a subdivision patta. The said documents will have to be considered by the respondent before passing orders on the petitioner's patta application.

3. Since the said documents have not been considered and no opportunity of hearing has been granted to the petitioner and in view of the fact that the impugned order is a non speaking order, the impugned order will have to be necessarily quashed and the matter has to be remanded back to the respondent for fresh



consideration on merits and in accordance with law, after affording a fair hearing to the petitioner and other rival claimants, if any.

4. In the result, the impugned order dated 19.11.2020 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner and other rival claimants, if any. The respondent is directed to pass final orders within a period of twelve (12) weeks from the date of receipt of a copy of this order after granting a right of personal hearing to the petitioner. The petitioner is also permitted to produce all documentary evidence before the respondent in order to substantiate his claim for issuance of patta in his name.

5. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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
The Tahsildar,
Madurai East Taluk,
Madurai District.

+1 CC to M/s.SPL GP (SR-13004[F] dated 18/03/2022)

+1 CC to M/s.R.GOWRISHANKAR, Advocate (SR-13272[F] dated 21/03/2022)

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