



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.6037 of 2022

and

W.M.P.[MD]No.4706 of 2022

WEB COPY

P.Panjalakshmi

... Petitioner

/Vs./

The Tahsildar,
Madurai East Taluk,
Y.Othakadai,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent dated 17.09.2019, which was communicated through RTI Reply on 30.01.2020 and quash the same as illegal and consequently direct the respondent to issue Patta in favour of the Petitioner by subdividing the original property comprised in Survey No.16/2B2, situated at Pudukhupatti Village, Madurai North Taluk, Thamaraipatti Sub Registrar Office, North registration Madurai District.

For Petitioner
For Respondent

: Mr.R.Venkatesh
: Mrs.S.Jeyapriya
Government Advocate

ORDER

This writ petition has been filed challenging the order dated 17.09.2019 rejecting the petitioner's application seeking for issuance of patta in respect of the property measuring 30 cents out of 80 cents in Survey No.16/2B2, situated at Pudukhupatti Village, Madurai North Taluk, Thamaraipatti Sub Registrar Office, North registration Madurai District, on the ground that a civil suit is pending.

2.The contention of the petitioner is that the civil suit does not pertain to the subject property and the said suit pertains to pathway rights. According to the petitioner, by total non-application of mind to the said fact and without affording any opportunity of hearing, the impugned order has been passed rejecting the petitioner's application seeking for issuance of patta.

3.Heard Mr.R.Venkatesh, learned Counsel for the writ petitioner and Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the respondent.



4.As seen from the impugned order, the contention of the petitioner has not been considered. According to the petitioner, the suit in O.S.No.254 of 2016, based on which the petitioner's application has been rejected, does not pertain to the property for which, patta was sought for by the petitioner. The petitioner has sought for patta in respect of 30 cents out of 80 cents in UDR Survey No.16/2B2, situated at Pudukhupatti Village, Madurai North Taluk, Thamaraipatti Sub Registrar Office, North registration Madurai District.

5.However, according to the petitioner, the suit in O.S.No.254 of 2016 pertains to the pathway rights and does not involve the property, for which patta has been sought for by the petitioner. The petitioner has filed documents along with this writ petition in respect of her claim. The said documents will have to be considered by the respondent on merits and in accordance with law.

6.Having not considered the aforesaid facts and having not considered the submissions made by the petitioner that the said suit does not involve the property, for which patta has been sought for, this Court is of the considered view that by a non-speaking order and by violating the principles of natural justice, the respondent has passed the impugned order. Hence, the impugned order dated 17.09.2019 passed by the respondent has to be quashed and the matter has to be remanded back for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner including granting her the right of personal hearing.

7.Accordingly, the impugned order dated 17.09.2019 passed by the respondent is 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 including granting her the right of personal hearing. The respondent is directed to pass final orders in the aforesaid terms, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



The Tahsildar,
Madurai East Taluk,
Y.Othakadai,
Madurai.

+1 CC to M/s.R.VENKATESH, Advocate (SR-16453[F] dated 04/04/2022)

+1 CC to M/s.SPL.GP (SR-16743[F] dated 05/04/2022)

W.P. [MD]No.6037 of 2022
04.04.2022

SS (CO)
KB(21.04.2022) 3P 4C