



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6695 of 2022
and
W.M.P. (MD)No.5177 of 2022

1.Mahendiran
2.Palanikumar
3.Kaniraja

... Petitioners

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sattur Revenue Division,
Sattur,
Virudhunagar District.

3.The Thasildar,
Vembakottai Taluk,
Vembakottai,
Virudhunagar District.

4.The Thasildar,
Sattur Taluk,
Sattur,
Virudhunagar District.

5.Madasamy Thevar

6.Gurusamy

... 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 relating to the impugned order passed by the 2nd respondent in Mu.Mu.Aa.3/4408/2016, dated 16.02.2022, quash the same and consequently direct the respondents 2 and 3 to conduct proper enquiry by affording reasonable opportunity to the petitioners.



For Petitioners : Mr.S.M.Anantha Murugan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R4

No appearance for R5 & R6

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ORDER

Heard the learned counsel for the writ petitioners and the learned Special Government Pleader for the respondents 1 to 4. Though the private respondents have been served, they have not chosen to enter appearance.

2.The writ petitioners purchased 12 cents of land from the sixth respondent vide sale deed dated 18.10.2013. Thereafter, in respect of property purchased by the petitioners, patta was issued. Whiles, the fifth respondent, who is none other than the brother of the sixth respondent moved the second respondent for cancelling the patta that stood in the name of the sixth respondent. The patta that stood in the name of the sixth respondent included the property sold in favour of the petitioners already. Without notice to the petitioners herein, the petition submitted by the fifth respondent was allowed and patta that stood in the name of the sixth respondent was cancelled by the impugned order dated 16.02.2022. As a result of the impugned order, the writ petitioners' rights are directly affected. Therefore, the present writ petition has been filed.

3.When the sixth respondent had sold 12 cents in favour of the petitioners in the year 2013 and their names have also been entered in the revenue record, cancelling patta of the sixth respondent without notice to the petitioners is clearly bad in law. Since the violation of the principles of natural justice is apparent on the face of the record, the impugned order is set aside and the writ petition is allowed and the matter is remitted to the file of the second respondent to pass order afresh. The second respondent will hear the respondents 5 and 6 and the writ petitioner before passing any final order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)



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To:

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Sattur Revenue Division,
Sattur,
Virudhunagar District.
- 3.The Thasildar,
Vembakottai Taluk,
Vembakottai,
Virudhunagar District.
- 4.The Thasildar,
Sattur Taluk,
Sattur,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-25440[F] dated 13/06/2022)

W.P (MD) No. 6695 of 2022
10.06.2022

SS/06/07/2022/ 3P 6C