



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2022

CORAM:

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.10063 of 2022

and

W.M.P. (MD) .Nos.7158 & 7160 of 2022

1.Panneerselvam
2.Ganesan
3.Pirthivi
4.Amutha
5.Nayagam
6.Palaniyappan
7.Meenambal
8.Baskar

...Petitioners

Vs.

1.The District Collector,
Pudukkottai District, Pudukkottai.

2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

3.The Revenue Divisional Officer,
Pudukkottai Division,
Pudukkottai.

4.The Tahsildar,
Alangudi Taluk,
Pudukkottai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the proceedings of the third respondent in Ni.Mu.A1/0587/2022, dated 29.04.2022 and to quash the same as illegal by allowing the above writ petition.

For Petitioners : Mr.A.Mohan

For Respondents : Mr.A.Kannan,
Additional Government Pleader



O R D E R

(Order of the Court was made by ABDUL QUDDHOSE, J.)

Mr.A.Kannan, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

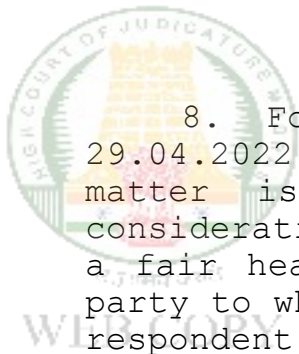
3. This writ petition has been filed challenging the order dated 29.04.2022 passed by the third respondent cancelling the 2-C patta issued in favour of the petitioners.

4. The petitioners have challenged the impugned order on the ground of violation of principles of natural justice. According to the petitioners, no notice was issued to them and they were also not a party to the writ petition in W.P(MD)No.15029 of 2021.

5. The petitioners have enclosed the 2-C patta standing in their name which have been cancelled under the impugned order. The petitioners have also enclosed documents along with the writ petition to substantiate their claim that they are in possession of the said property and are entitled for 2-C patta for the same.

6. Admittedly, as seen from the impugned order, no notice has been given to the petitioners by the third respondent before passing the impugned order under which the petitioners' 2-C pattas have been cancelled. Admittedly, in W.P(MD)No.15029 of 2021, the petitioners were not a party to the said writ petition. Only pursuant to the order dated 24.08.2021 passed by the Division Bench of this Court in W.P(MD)No.15029 of 2021, proceedings have been initiated by the respondents for cancellation of pattas. Only based on the said order, the impugned order came to be passed. Since no opportunity of hearing was granted to the petitioners and the contentions of the petitioners as raised in this writ petition which are supported by the documents, have not been considered in the impugned order, this Court is of the considered view that the impugned order has been passed by the third respondent in violation of the principles of natural justice.

7. Therefore, this Court is of the considered view that the impugned order has to be necessarily quashed and the matter has to be remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioners including granting them the right of personal hearing.



8. For the foregoing reasons, the impugned order, dated 29.04.2022 passed by the third respondent, is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioners as well as any other necessary party to whom the third respondent deems fit to enquire. The third respondent is directed to pass final orders within a period of four months from the date of receipt of a copy of this order.

9. With the aforesaid directions, this writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

PM

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

- 1.The District Collector,
Pudukkottai District, Pudukkottai.
- 2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
- 3.The Revenue Divisional Officer,
Pudukkottai Division,
Pudukkottai.
- 4.The Tahsildar,
Alangudi Taluk,
Pudukkottai District.

+1 CC to M/s.SPL.GP (SR-23868[F] dated 20/05/2022)

W. P (MD) No. 10063 of 2022
18.05.2022