



W.P(MD)No.1341 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.1341 of 2014

and

M.P(MD)No.2 of 2014

V.Sethuraja

... Petitioner

Vs.

1.The Regional Deputy Tahsildar,
Vilathikulam Taluk,
Vilathikulam.

2.R.Ramalakshmi

3.R.Balamurugan

4.R.Ganeshan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamu, to call for the records in connection with the impugned order of the first respondent R3052/10 and quash the same and direct the first respondent to restore the Patta No.66 in the petitioner's name in respect of the property in S.No.168/3, 169/3 and 173/1 to an extent of 0.85.0 hectare, 0.41.5 hectare and 1.54.0 hectare respectively together an extent of 2.80.05 hectare i.e.6 acres and 93 cents of land in Vembar Village, Vilathikulam Taluk, Tuticorin District.



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For Petitioner : Mr.K.K.Senthil
For R1 : Mr.N.Muthuvijayan
Special Government Pleader
For R3 & R4 : Mr.Vashik
for Mr.D.Nallathambi

ORDER

The present writ petition has been filed challenging the order passed by the first respondent herein, under which, the patta standing in the name of the writ petitioner was transferred in the name of the private respondents, namely, respondents No.2 to 4.

2. According to the learned Counsel for the petitioner, the petitioner is the absolute owner of the properties and the patta was standing in his name. However, without issuing any notice to him, the present impugned order has been passed.

3. On the other hand, the learned Counsel appearing for the private respondents has contended that the petitioner has no title whatsoever to the disputed property. Hence, the patta was rightly transferred in favour of the respondents No.2 to 4.



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4. Admittedly, the impugned order has been passed by the first respondent herein, without issuing notice to the writ petitioner, in whose name the patta was standing originally. The order impugned in the writ petition is set aside. The matter is remitted back to the file of the first respondent herein for passing a fresh order on merits and in accordance with law.

5. According to the learned Counsel for the private respondents they have sold away the property to a third party. In such an event, the first respondent is directed to issue notice to the purchaser from the respondents and the writ petitioner and pass orders after conducting an enquiry. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

22.07.2022

Index : Yes / No
Internet : Yes / No
jbr



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To

The Regional Deputy Tahsildar,
Vilathikulam Taluk,
Vilathikulam.



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R.VIJAYAKUMAR ,J.

jbr

Order made in
W.P(MD)No.1341 of 2014

Dated:
22.07.2022