



W.P(MD)No.4507 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4507 of 2015

and

M.P(MD)No.2 of 2015

Sunaiselvam

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The District Registrar,
Office of the District Registrar,
Tenkasi, Tirunelveli District.
- 4.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.
- 5.The Zonal Deputy Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.



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6.The Sub Registrar,
Sankarankovil Sub Registrar Office,
Sankarankovil, Tirunelveli District.

7.Rajendran,
Assistant,
Office of the Sub Registrar Vasudevanallur,
Tirunelveli District.

8.Velu

9.Kadarkarai

10.Shanmugam (Died)

11.Poolar

12.Kaliappan

13.Boomani

14.Gurusamy

... Respondents

(Respondent No.13 is recorded as legal heirs of deceased tenth respondent, vide Court order, dated 26.10.2022, vide memo filed, dated 26.10.2022 in W.P(MD)No.4507 of 2015)

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 pertaining to the impugned Patta No.5006 issued by the fourth respondent in so far as including the 14th respondent as joint pattadar, quash the same.

For Petitioner : M/s.M.Saravanan

For R-1, R-3 & R-6 : M/s.K.S.Selvaganesan
Additional Government Pleader

For R-2, R-4 & R-5 : M/s.A.Baskaran
Additional Government Pleader

For R-7 to R-9 & R-11 to R-14 : No appearance



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ORDER

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The present Writ Petition has been filed challenging the patta transfer order passed by the fourth respondent herein, under which, the name of the private respondents have been included along with the name of the writ petitioner.

2. According to the learned Counsel for the petitioner, by way of a fraudulent sale deed in document No.1701/2014, dated 04.06.2014, on the file of the sixth respondent herein, the patta transfer order has been effected. According to the learned Counsel for the petitioner, he was granted a separate patta in patta No.1336. However, without issuing any notice to the writ petitioner, the name of the private respondents have been included along with the writ petitioner and a fresh joint patta has been issued in patta No.5006.

3. Though the private respondents have been served and their names are printed in the cause-list, there is no appearance and this court proceeds to pass this order, after hearing the learned Counsel for the petitioner.



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4. A perusal of the order impugned in the writ petition indicates that the said order has been passed, without issuing any notice to the writ petitioner, in whose name, separate patta was standing on the date of passing of the impugned order. Hence, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the fourth respondent herein for fresh consideration on merits and in accordance with law, after affording due opportunity to the writ petitioner and the private respondents herein.

5. With the above said observation, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

18.11.2022

Index : Yes / No
Internet : Yes / No
btr



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Tirunelveli District.
5. The Zonal Deputy Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.
6. The Sub Registrar,
Sankarankovil Sub Registrar Office,
Sankarankovil, Tirunelveli District.
7. The Assistant,
Office of the Sub Registrar Vasudevanallur,
Tirunelveli District.



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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.4507 of 2015

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