



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 23.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.26462 of 2022
and
W.M.P(MD)No.20636 of 2022

Santhana Konar

..Petitioner

Vs

1.The Sub-Divisional Magistrate-cum-Revenue
Divisional Officer,
Thoothukudi,
Thoothukudi District.

2.The Tahsildar,
Srivaikundam,
Thoothukudi District.

3.Ananthammal

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioari calling for the records pertaining to the order dated 4.10.2021 passed by the first respondent vide Ni.Mu(A1) 396/2021 and quash the same as illegal.

For Petitioner :Mr.C.Senthil Murugan

For Respondents :Mr.D.Sadiq Raja
1 and 2 Additional Government Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Certioari calling for the records pertaining to the order, dated 4.10.2021 passed by the



first respondent vide Ni.Mu(A1) 396/2021 and quash the same as illegal.

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2.Mr.D.Sadiq Raja, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the father of the third respondent Pitchandi had executed a power of attorney in favour of the Petitioner vide Doc.No.64 of 2001 registered with the Sub-Registrar Office, Srivaikundam in respect of the property comprised in Old.S.No.90/4, New S.No.90/4B, measuring an extent of 09.50 cents situated at Singathakurichi Village, Srivaikundam Taluk, Thoothukudi District. On 21.05.2001, the Petitioner sold the property to his wife Thangathammal vide Doc.No.1284 of 2001 registered with the Sub-Registrar Office, Srivaikundam. Thereafter, the third respondent caused hindrance to the possession of the Petitioner in S.No.90/4 stating that she has purchased 4 ½ cents from the said property and she has also filed an application to include her name in the patta, which stands in the name of the Petitioner. The second respondent, without conducting any enquiry included the name of the third respondent in the patta. When the Petitioner made an application for agricultural loan, he came to know that the third respondent's name was included in the patta. The Petitioner made an application under Right to Information Act on 4.8.2021 and obtained the copy of the patta transfer



order on 23.08.2021 and it shows that the third respondent submitted her application on 21.12.2020 and abruptly her name was included in the patta. As against the said order, the Petitioner had filed an appeal before the first respondent, who in-turn had passed the impugned order on 4.10.2021 rejecting the Petitioner's plea and directed the Petitioner to approach the Civil Court for appropriate remedy. Hence, the Petitioner has filed the present Writ Petition for the relief stated supra.

4.A perusal of the above order would show that the authority concerned has received the application on 21.12.2020 and pass orders on 22.12.2020 without giving an opportunity of hearing to the Petitioner, which is illegal and against the principles of natural justice. Further, the Petitioner has approached the Civil Court in this regard, by filing a civil suit.

5.If that being the case, how the authorities have included the name of the third respondent in the patta which stands in the name of the Petitioner, is not known and hence, the order impugned herein is liable to be set aside.

6.In view of the above, the Writ Petition is allowed and the order impugned herein, dated 4.10.2021 passed by the first respondent vide

Ni.Mu(A1) 396/2021 is set aside and the matter is remitted back to the



file of the first respondent for fresh consideration. The first respondent is directed to issue notice to all the parties concerned, given them an opportunity of hearing to all the parties concerned and pass appropriate orders on merits and in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

23.11.2022

Index : Yes/No

Internet: Yes/No

vsn

To

1. The Sub-Divisional Magistrate-cum-The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.
2. The Tahsildar,
Srivaikundam,
Thoothukudi District.



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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.26462 of 2022
and
W.M.P(MD)No.20636 of 2022

23.11.2022



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