



W.P.(MD) No.20281 of 2013.

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD) No.20281 of 2013

and

M.P.(MD) No.1 of 2013

Y.James (died)

1.Arockiyammal

2.Sahayasaranya

3.J.Kasmire Gowtham

*(P1 to P3 have been impleaded vide
order dated 10.01.2023)*

... Petitioners

/vs./

1.The Tahsildar,

Athoor Taluk,

Dindigul District.

2.A.Sesuraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned patta issued by the 1st respondent in favour of the 2nd respondent in patta No.757, dated nil, served on the petitioner on 18.11.2013 and quash the same as illegal and consequently direct the 1st respondent to restore the patta in



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respect of the land of the petitioner in Survey No.447/4A, Pillayar Natham Village, Athoor Taluk, Dindigul District, in the name of the petitioner and his family members as it stood before the mutation of patta made by the impugned proceedings.

For Petitioners	: M/s.A.Afritha Fathima for M/S.Ajmal Associates
For R1	: Mr.M.Prakash Additional Government Pleader
For R2	: Mr.A.John

ORDER

The petitioners have challenged mutation of revenue records of the joint patta in patta No.757.

2.According to the learned counsel for the petitioners, such mutation had taken place without notice to the other joint pattadhars. Hence, she would submit that such mutation is in violation of principles of natural justice. Hence, the petitioners have approached this Court.

3.Mr.M.Prakash, learned Additional Government Pleader for the first respondent had produced a copy of the instructions received by him from the first respondent herein. The present officer holding the post of the first respondent has



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category made a statement in the said letter that no enquiry had been conducted in respect of such mutations. The said letter dated 28.01.2023 in Na.Ka.No.215/2023/Aa1 is taken on record.

4.In the light of the admitted statement made by the first respondent, the mutation that has been effected by including the name of the second respondent is set aside and the first respondent is directed to make an enquiry on the claim made by the second respondent after issuing notice to the petitioner herein and pass orders on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order.

5.The writ petition is allowed with the above directions. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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30.01.2023



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K.KUMARESH BABU, J.

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To

The Tahsildar,
Athoor Taluk,
Dindigul District.

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30.01.2023

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