



W.P.(MD) No.2877 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.2877 of 2020
and
W.M.P.(MD) Nos.2431 and 2432 of 2020**

Perumal Chettiyar

... Petitioner

/vs./

- 1.The Revenue Divisional Officer,
Sivagangai District.
- 2.The District Revenue Officer,
Sivagangai District.
- 3.The Tahsildar,
Manamadurai,
Sivagangai District.
- 4.S.Kannan
- 5.P.Subramaniaiyer
through power of attorney S.Kannan,
S/o. Sethuraman,
3/53, Idaiyar Kudiyiruppu,
Parthibanoor,
Paramakudi Taluk, Ramnad District.



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6.P.S.Subramaniaiyer
(R6 has been impleaded vide
order dated 14.03.2023).

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.A3/647/2017 dated 13.08.2019 on the file of the 1st respondent and quash the same and further direct the respondents to restore the entries in the revenue records as exist prior to 13.08.2019.

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 to R3 : Mr.A.Sivanupandian
Government Advocate

ORDER

The above writ petition has been filed challenging the order passed by the first respondent in Na.Ka.No.A3/647/2017 dated 13.08.2019, quashing the same and directing the respondents to restore the entries in the revenue records as it exists prior to 13.08.2019.



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2.The petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India by stating that under a sale deed dated 26.09.2008, he and one Alagu Revathi had purchased the agricultural land, measuring about 38 cents in S.No.34/1 at Sangamangalam Village, Arasanendhal Group, Manamadurai Taluk, Sivagangai District out of a total extent of 1.46 acres. On the purchase, they had also been issued with patta and the property purchased by them was sub-divided as S.No.34/1B and patta in Patta No.688 was also issued to them. The property was conveyed to them by one Muruganandham, S/o.Mayandi Thevar through his power of attorney. The said Muruganandham, in turn, had purchased the property under a sale deed dated 13.05.1995 registered as Doc.No. 771/1995 from one P.S.Subramaniya, his mother, T.S.Bagirathi, P.S.Sankaran and his three sons, namely, P.S.Rajamani, P.S.Mahadevan and P.S.Ravichandran.

3.In Sangamangalam Village, Arasanenthall Group, Manamadurai Taluk, P.S.Subramaniaiyer owned large extent of land and he constituted a Hindu Joint family along with his two sons, namely P.S.Subbarayan and P.S.Sankaran. On the death of P.S.Subramaniaiyer, his two sons continued to hold the property along with their respective sons. On the death of P.S.Subbarayan, his share devolved



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4.While so, on 13.08.2019, the petitioner came across an order of the first respondent, wherein the fourth respondent claiming to be the power of attorney of the fifth respondent had filed a complaint before the first respondent and one of the contention was that P.S.Subramaniaiyer had never sold the property to any person and the documents, which have been created, are all fraudulent. Therefore, they had sought to have the names of the pattadhars deleted. Without affording an opportunity of personal hearing to the petitioner or the others, the first respondent had proceeded to cancel the patta and deleted the names of the pattadhars and reentered the name of P.S.Subramaniaiyer. Therefore, the petitioner has come forward with the writ petition for the above relief.



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5.A perusal of the impugned order clearly indicates that the subsequent purchaser as also the petitioner herein has not been made a party to the proceedings and orders have been passed without reference to him. This fact is also admitted by the learned Government Advocate for the respondents 1 to 3, since there is no reference to the petitioner and others. Therefore, the Writ Petition is allowed with the following directions:-

i) The respondent concerned is directed to conduct a fresh enquiry after issuing notice to the petitioner and affording him an opportunity to submit his contentions as also to the other interested parties.

ii) The said exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.

iii) It is informed that the patta is yet to be granted, *status quo* as on today shall be maintained till the disposal of the enquiry.



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However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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

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P.T.ASHA, J.

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