BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.9829 and 9830 of 2020
and
W.M.P.(MD) Nos.8814, 8816, 8817 and 8818 of 2020

V.Arumugam .. Petitioner in W.P.(MD) No.9829 of 2020

T.Thangasamy .. Petitioner in W.P.(MD) No.9830 of 2020

Vs.

1.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.

3.P.S.Subramanian .. Respondents in both W.Ps.

Common Prayer: Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records in Na.Ka.A3/647/2017 dated 14.10.2019 on the file of the first respondent and quash the same as illegal, ultra vires, and unconstitutional and inconsequence direct the second respondent to mutate the revenue records and restore the name of the petitioners in so for Survey No.261/1A4 now Natham Survey No.261/1B1C with an extent of 3268 Sq.ft. of Manamadurai Village, Sivagangai District comprised with in 0.08.0 Ares (20 cents).

For Petitioners	:	Mr.S.Ramesh
For RR1 & 2	:	Mr.T.Amjadkhan Government Advocate

COMMON ORDER

Both the writ petitions have been filed for the issue of Writ of Certiorarified Mandamus calling for the records of the first respondent in the impugned proceedings dated 14.10.2019, quash the same as being illegal and ultra vires and direct the second respondent to mutate the relevant revenue records and restore the name of the petitioners, insofar as it relates to Survey No.261/1A4 now Natham Survey No.261/1B1C with an extent of 3268 Sq.ft. of Manamadurai Village, Sivagangai District.

2. The facts are briefly set out hereinbelow:

A larger extent of the property, subject matter of the writ petitions belonged to one P.S.Subramanian and his brothers. He had alienated the same in favour of D.Srinivasan Chettiar under a registered sale deed dated 02.08.1984. After sale, revenue records were mutated in the name of D.Srinivasan Chettiar and he was granted patta bearing No.246 along with six others. Thereafter, the said Srinivasan Chettiar had sold the property subject matter of the writ petitions to the petitioners on 09.09.2009 under registered sale deeds. Thereafter, the petitioners filed necessary applications before the Revenue Department to have the revenue records mutated. Srinivasan Chettiar has alienated the property to others like the petitioners and the petitioners had also put up construction in the property purchased by them. They have been assessed to property tax and electricity service connection has also been granted to them. Meanwhile, there was an acquisition of portion of the land the by National Highways Authorities and the compensation has also been received by the petitioners.

3. While so, in the first week of June, 2020, some third parties have started measuring the property and when enquired, the petitioners were informed that the Revenue Department had issued a patta in the name of the third respondent in Patta No.2900 and that the first respondent had passed an order mutating the patta without any enquiry or notice to the other persons, whose names have been originally entered as the owners. Aggrieved by the same, the petitioners are before this Court.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for respondents 1 and 2.

5. Admittedly, revenue records which stood in the name of the petitioners have been cancelled after their purchase. There has been no prior notice nor was an enquiry held. By the impugned order, substantial injustice has been done to the petitioners. In these circumstances, the impugned order cannot be sustained. As a result, these Writ Petitions are allowed, the impugned order dated 14.10.2019 is quashed and the matter

is remitted back to the first respondent for considering afresh the request of the petitioners for issue of patta and the first respondent shall call all the interested parties for an enquiry and thereafter, pass a reasoned order. No costs. Consequently, connected miscellaneous petitions are closed.

30.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr

To

1.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.

P.T.ASHA, J.

abr

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