



W.P.(MD) No.9824 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.9824 of 2020
and
W.M.P.(MD) No.8810 of 2020

S.Saravanan

.. Petitioner

Vs.

The Tahsildhar,
Madurai North Taluk,
Madurai.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the Impugned Order dated 31.07.2020 in Application ID 2019/0105/24/173113 on the file of the respondent and quash the same and further directing the respondent to issue patta in the name of the petitioner in respect of his property situated in Old Re-survey No.162/3 and New Survey No.21/24A, Siruthur Village, Thirupalai Group, Madurai North Taluk.

For Petitioner : Mr.G.Prabhu Rajadurai



W.P.(MD) No.9824 of 2020

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For Respondent : Mr.D.Ghandiraj
Special Government Pleader

ORDER

This writ petition is filed for the issue of a Writ of Certiorarified Mandamus calling for the records of the Impugned Order dated 31.07.2020 in Application ID 2019/0105/24/173113 on the file of the respondent and quash the same and further directing the respondent to issue patta in the name of the petitioner in respect of his property situated in Old Re-survey No.162/3 and New Survey No.21/24A, Siruthur Village, Thirupalai Group, Madurai North Taluk.

2. It is the case of the petitioner that the properties, which are subject matter of the writ petition originally belonged to E.M.Gopalakrishna Kone Trust, Madurai. The Trust, for augmenting its income by constructing a cinema theatre, made an application to the Principal District Judge, Madurai, seeking permission to convey portion of its property in O.P.No.117 of 1981. By order dated 18.11.1981, this



W.P.(MD) No.9824 of 2020

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permission was granted by the Principal District Judge, Madurai. Thereafter, a layout was prepared and formed in respect of the above lands and approved by the Town Planning Department in Planning No. 39/1982. The plots formed therein had been sold to different persons and many of them had constructed houses thereupon. The area is now known as Poriyalar Nagar. The petitioner had purchased two plots in the said layout under two sale deeds dated 05.11.2012 and 29.11.2017 totally measuring an extent of 1100 sq. ft. and 2200 sq. ft. respectively. Re-survey number of these properties is 162/3. The documents were also registered on the file of the Sub Registrar, Chockikulam. The individual plot owners of the various survey numbers had made an application to the respondent and had obtained separate pattas in their names. The original patta stood in the name of the Trust. The petitioner had also made an application to obtain a separate patta in respect of the portion purchased by him through online under an application dated 01.11.2019.

3. The petitioner submits that he was expecting an intimation for enquiry and on 29.01.2020, he has received an intimation through SMS



W.P.(MD) No.9824 of 2020

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from the respondent that the survey was scheduled on 29.01.2020. However, no survey was conducted on that date. While so, by an SMS dated 31.07.2020, the petitioner had received a message that his application has been rejected and that he should approach the E-seva centre for a detailed information. The petitioner, accordingly, received a copy of the order which simply stated that the application was rejected for other reasons. Therefore, the petitioner has come forward with the instant writ petition.

4. The learned Special Government Pleader has submitted a circular bearing No.ந.க.எஸ்2/422/19 dated 24.08.2020 issued by the Tahsildar, Madurai North, that any deed with reference to the survey numbers contained in ந.க.எஸ்2/422/19/2019 dated 21.02.2019, shall be rejected at the out set and that no transfer can be effected in respect of the survey numbers.

5. The said order appears to have been passed without hearing any of the parties. As contained in the affidavit filed in support of the writ



W.P.(MD) No.9824 of 2020

petition, it is seen that the property in question had been plotted out into a number of house sites which have not only been sold, but constructions have also taken place in the said property. Therefore, the impugned order appears totally unfounded and without any legal basis.

6. In fine, this writ petition is allowed, the impugned order dated 31.07.2020 is set aside and the matter is remitted back to the respondent for fresh consideration. The respondent shall provide a personal hearing to the petitioner to submit his objections and thereafter, pass a reasoned speaking order. This exercise shall be completed within a period of six weeks from the date on which the petitioner submits his objections. No costs. Consequently, connected miscellaneous petition is closed.

24.04.2023

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

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W.P.(MD) No.9824 of 2020

P.T.ASHA, J.

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To

The Tahsildhar,
Madurai North Taluk,
Madurai.

W.P.(MD) No.9824 of 2020

Dated: 24.04.2023