



W.P.(MD) No.12883 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.12883 of 2021

and

W.M.P.(MD) Nos.9961 and 9963 of 2021

Manjula

.. Petitioner

Vs.

1.The District Collector,
District Collector Office,
Thoothukudi,
Thoothukudi-628 101.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti Taluk,
Thoothukudi District.

3.The Tahsildar,
Kovilpatti Taluk Office,
Kovilpatti,
Thoothukudi District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records pertaining to the order passed by the 3rd respondent vide proceedings in



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Na.Ka.No.A2/5316/2012 dated 22.05.2012 and quash the same as illegal and arbitrary.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Ms.S.Jeyapriya,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent in Na.Ka.No.A2/5316/2012, dated 22.05.2012.

2. Heard Mr.R.Karunanidhi, learned counsel for the petitioner and Ms.S.Jeyapriya, learned Government Advocate appearing on behalf of the respondents.

3. The case of the petitioner is that she along with two others purchased the property in S.No.106/6 at Manthithoppu Village, Kovilpatti Taluk, Thoothukudi District through a registered sale deed dated 03.03.2011. A separate patta was also issued by the 3rd respondent in the name of the petitioner and two others in Patta No.2491.



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4. The petitioner was verifying the revenue website on 05.07.2021 and she found that Patta No.2491 stands in the name of the Government and is recognised as a “Government land”. On verification, the petitioner came to know that the 3rd respondent has passed the impugned proceedings dated 22.05.2012. Pursuant to the same, the patta granted in favour of the petitioner and two others was cancelled and the property was recognised as a “Government land”. Aggrieved by the same, the present writ petition has been filed before this Court.

5. The main ground that was taken by the learned counsel for the petitioner is that the 3rd respondent had passed the order without issuing notice to the petitioner and two others and without affording them an opportunity. Therefore, it was contended that the impugned proceedings of the 3rd respondent suffers from violation of principles of natural justice. The learned counsel submitted that the petitioner has a valid sale deed and the revenue records also stood in the name of the petitioner and two others and in spite of the same, the impugned order was passed by the 3rd respondent by cancelling the patta.



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6. In the considered view of this Court, on carefully going through the impugned proceedings of the 3rd respondent, it is seen that the 3rd respondent has received a report from the Village Administrative Officer and has proceeded to direct mutation of the revenue records by showing the property as “urani poramboke land”. Even while passing this order, the 3rd respondent was aware of the fact that the patta stood in the name of the petitioner and two others. Therefore, the minimum that was required in this case was to have issued notice to the petitioner and two others and to give them an opportunity and thereafter, orders could have been passed in accordance with law. It is seen that this procedure was not followed. The impugned proceedings of the 3rd respondent is liable to be interfered with by this Court for violation of principles of natural justice.

7. In the light of the above discussion, the impugned proceedings of the 3rd respondent in Na.Ka.No.A2/5316/2012, dated 22.05.2012 is hereby quashed. There shall be a direction to the 3rd respondent to issue notice to the petitioner and two others and afford them an opportunity



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and thereafter, pass orders strictly in accordance with law. This process shall be completed by the 3rd respondent within a period of three months from the date of receipt of a copy of this order.

8. In the result, this Writ Petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

24.11.2023

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

ABR

To

- 1.The District Collector,
District Collector Office,
Thoothukudi,
Thoothukudi-628 101.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti Taluk,
Thoothukudi District.
- 3.The Tahsildar,



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Kovilpatti Taluk Office,
Kovilpatti, Thoothukudi District.

N.ANAND VENKATESH, J.

ABR

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Dated : 24.11.2023