



W.P.(MD).No.14287 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.14287 of 2021

P.Hariharan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent dated 17.02.2020 in Na.Ka.No.7233/2019/S and to quash the same and seeking consequential direction and direct the second respondent to issue patta to the petitioner's property for an extent of 13 cents comprised in Survey Nos.197/2A2B (10 cents) and 197/2A2E (3 cents) situated at Ayanpappakudi Village, Avaniapuram, Madurai District.



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For Petitioner : M/s.P.Jessi Jeeva Priya

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader.

ORDER

This Writ Petition is filed to quash the order dated 17.02.2020 with a consequential direction to issue patta to the petitioner's property to an extent of 13 cents comprised in Survey Nos.197/2A2B (10 cents) and 197/2A2 (3 cents) situated at Ayanpappakudi Village, Avaniapuram, Madurai District.

2. The respondents have declined to issue patta through impugned order by stating that the suits are pending against the said properties in O.S.No.66/2019, 67/2019 and 68/2019. The contention of the petitioner is that all those suits are nothing to do with the property for which the petitioner seeking patta.

3. It is seen that the petitioner is seeking patta for the land situated in Survey Nos.197/2A2B (10 cents) and 197/2A2 (3 cents). On perusing the suit



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in O.S.No.66 of 2019, the survey number shown in the schedule of properties as S.No.94/1 in Avaniapuram Taluk is resurvey No.94/9-1B and hence it is nothing to do with the petitioner's property. In O.S.No.67 of 2019, the challenge in the suit is election conducted in the year 2019-2020 and hence the same is nothing to do with the petitioner's property. In O.S.No.67 of 2019 the suit is filed for property situated in Survey No.194/4 in Vilangudi Village and the same is nothing to do with the petitioner's property. Therefore, three suits referred by the respondents are nothing to do with the Survey No.197 situated at Ayanpappakudi Village, Avaniapuram, Madurai District.

4. Therefore, the impugned order is totally non application of mind. Hence, the impugned order is quashed. This Court directs the second respondent to conduct de-nova enquiry after giving opportunity and personal hearing to the petitioner and thereafter consider the case of the petitioner for issuing patta to the petitioner's property. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.

01.08.2023

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

To

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Madurai District,
Madurai.

2.The Tahsildar,
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S.SRIMATHY, J.

Nsr

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