



W.P.(MD) Nos.17569, 17655, 17663, 17737 and 18066 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.17569, 17655, 17663, 17737 and 18066 of 2020
and
W.M.P.(MD) Nos.14689, 14744, 14749, 14812 and 15057 of 2020

W.P.(MD) No.17569 of 2020:

Sudhakaran

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.Chandra

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.2812/2020/A1 dated 13.10.2020 and



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quash the same as illegal, consequently directing the first respondent to restore the Patta in respect of the property in Plot No.10 measuring about 1918 Sq.Ft in Survey Nos.399/1A2 and 399/1B2 situated at Kothaimangalam Village, Palani Taluk, Dindigul District in favour of the petitioner.

W.P.(MD) No.17655 of 2020:

Ramakrishnan

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.Chandra

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.2812/2020/A1 dated 13.10.2020 and quash the same as illegal, consequently directing the first respondent to restore the Patta in respect of the property in Plot No.20 measuring about 2288 Sq.Ft in Survey Nos.399/1A2 and 399/1B2 situated at



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Kothaimangalam Village, Palani Taluk, Dindigul District in favour of the petitioner.

W.P.(MD) No.17663 of 2020:

Thirumalaisamy

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.Chandra

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.2812/2020/A1 dated 13.10.2020 and quash the same as illegal, consequently directing the first respondent to restore the Patta in respect of the property in Plot No.1 measuring about 1603 Sq.Ft in Survey Nos.399/1A2 and 399/1B2 situated at Kothaimangalam Village, Palani Taluk, Dindigul District in favour of the petitioner.



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W.P.(MD) No.17737 of 2020:

Vellaithai

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.Chandra

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.2812/2020/A1 dated 13.10.2020 and quash the same as illegal, consequently directing the first respondent to restore the Patta in respect of the property in Plot No.36 measuring about 1612 Sq.Ft in Survey Nos.399/1A2 and 399/1B2 situated at Kothaimangalam Village, Palani Taluk, Dindigul District in favour of the petitioner.



W.P.(MD) Nos.17569, 17655, 17663, 17737 and 18066 of 2020

W.P.(MD) No.18066 of 2020:

S.Surendhiran

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.Chandra

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.2812/2020/A1 dated 13.10.2020 and quash the same as illegal, consequently directing the first respondent to restore the Patta in respect of the property in Plot No.34 measuring about 2288 Sq.Ft in Survey Nos.399/1A2 and 399/1B2 situated at Kothaimangalam Village, Palani Taluk, Dindigul District in favour of the petitioner.

In all W.Ps.

For Petitioner : Mr.T.Lenin Kumar



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For RR1 & 2 : Mr.D.Ghandiraj
Special Government Pleader

For R3 : Mr.R.Sundar

COMMON ORDER

Since the facts are same in all the writ petitions, a common order is pronounced in these writ petitions.

2. The petitioners have filed these writ petitions for the issue of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.2812/2020/A1 dated 13.10.2020 and quash the same.

3. The case of the petitioners is that they are residing in the property subject matter of each of the impugned petitions and that recognising their possession, the second respondent had issued patta in their favour. Each of these properties form part of a larger extent, which was later formed into a housing site and portions purchased by the petitioners herein. Many of them have also put up construction in the subject property.



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4. While so, the third respondent whom the petitioners claim to be a total stranger to the property had made an application to the second respondent to mutate the patta in her favour. Thereafter, the third respondent had filed W.P.(MD) No.11854 of 2010 seeking directions to the second respondent to dispose of her application. The petitioners were not made parties to these proceedings. By order dated 23.09.2010, this Court recorded the submission made by the learned Government Advocate that the request of the third respondent for transfer of patta was under consideration. This Court, therefore, directed that orders be passed within a period of eight weeks from the date of the order. It appears that after receipt of the order, the second respondent without affording an opportunity to any of the petitioners to submit their case, proceeded to cancel the patta granted to them and directed the patta to be mutated in favour of the third respondent. Challenging the said order, the petitioners had filed appeals before the first respondent and since the first respondent was dragging his feet, the petitioners had moved this Court by way of writ petitions for an early disposal of the appeals, which were



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also ordered by this Court. Once again, the first respondent was not keen on disposing of the appeals and taking advantage of the lethargic attitude of the first respondent, the third respondent was disturbing the possession of the petitioners, which constrained them to file civil suits. Since the third respondent had not contested the suit, she was set *ex parte* and an *ex parte* decree was passed in favour of the aforesaid petitioners. The first respondent, thereafter, conducted an enquiry and during the enquiry, the petitioners had produced the documents and despite the second respondent giving a report that the petitioners were in possession of the respective properties, the first respondent proceeded to once again direct the petitioners to approach the civil Court. Challenging the same, the petitioners are before this Court.

5. Considering the fact that the second respondent had passed orders mutating the patta in favour of the third respondent without affording opportunity to the petitioners to submit their case, interests of justice would be *sub served*, if the order dated 13.10.2020 passed by the first respondent in proceedings in Na.Ka.No.2812/2020/A1 is quashed



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and consequently, the order passed by the second respondent mutating the patta in favour of the third respondent is also quashed. The third respondent, whose title has been seriously questioned by the petitioners, has not taken any steps whatsoever to have her title declared by filing a civil suit and it is the petitioners who have moved the civil Court. In these circumstances, while setting aside the orders of the first and second respondents, the matter is remitted back to the first respondent for fresh consideration of the application of the third respondent and after hearing all the parties and affording an opportunity of personal hearing to each, the first respondent is directed to pass orders on merits and in accordance with law within a period of one month from the date of receipt of a copy of this order.

6. In the result, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

18.04.2023

NCC : Yes/No
Index : Yes/No
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P.T.ASHA, J.

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To

1.The Revenue Divisional Officer,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

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Dated: 18.04.2023