



W.P.(MD) No.22471 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.22471 of 2021

and

W.M.P.(MD) No.19005 of 2021

S.Suguna

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Madurai Revenue Division,
Madurai District.

2.The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

3.The Zonal Deputy Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

4.P.Mahalingam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records on the file of the respondents 1 and 3 in connection with the impugned



W.P.(MD) No.22471 of 2021

proceedings in Na.Ka.No.564/2021/P dated 28.09.2021 and in T.R.No.2021/0103/24/182462TR dated 26.10.2021 respectively and quash the both as illegal, arbitrary and violation of principles of natural justice and consequently direct them to restore his patta in patta No.3845 for the properties in S.No.320/5A2C, 320/5A2B and 320/1A6 of Palamedu Village, Vadipatti Taluk, Madurai District, based on the proceedings of the third respondent passed in T.R.2021/0103/24/165189TR dated 29.06.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For RR1 to 3 : Mr.S.Jeyapriya
Government Advocate

For R4 : Mr.S.Saravanan

ORDER

This Writ Petition has been filed challenging the impugned order passed by the first respondent through the proceedings in Na.Ka.No.564/2021/P dated 28.09.2021 and the consequential order passed by the third respondent in T.R.No.2021/0103/24/182462TR dated 26.10.2021 and for a consequential direction to restore the patta in the name of the petitioner with respect to the subject properties.



W.P.(MD) No.22471 of 2021

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2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

3. The case of the petitioner is that the patta with respect to the subject properties was standing in her name and in the name of her minor children by virtue of the proceedings of the third respondent dated 29.06.2021. The grievance of the petitioner is that the fourth respondent made a representation before the first respondent seeking for cancellation of patta issued in favour of the petitioner and her children in Patta No.3845 and the first respondent, without issuing any notice and without affording any opportunity to the petitioner, cancelled the patta and directed the third respondent to restore the patta in the name of father-in-law of the petitioner. Pursuant to the same, the third respondent issued the impugned proceedings dated 26.10.2021 to carry out the order passed by the first respondent. Aggrieved by the same, the present Writ Petition has been filed before this Court.



W.P.(MD) No.22471 of 2021

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4. On carefully going through the order passed by the first respondent, it is seen that no notice was issued to the petitioner and the petitioner was not afforded with any opportunity. The first respondent has merely gone by the stand taken by the fourth respondent and the report received from the second respondent and has passed the order directing cancellation of patta standing in the name of the petitioner and her children. Pursuant to this order, the third respondent had issued proceedings dated 26.10.2021.

5. The order passed by the first respondent suffers from violation of principles of natural justice and therefore, the consequential order passed by the third respondent must also fail. In view of the same, the impugned proceedings of the first respondent in Na.Ka.No.564/2021/P dated 28.09.2021 is hereby quashed and the consequential order passed by the third respondent in T.R.No.2021/0103/24/182462TR dated 26.10.2021 is also quashed. The matter is remanded back to the file of the first respondent and the first respondent is directed to issue notice to the petitioner and the fourth respondent and afford them an opportunity



W.P.(MD) No.22471 of 2021

at the time of enquiry. Final order shall be passed by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. Based on the order passed by the first respondent, the third respondent shall pass consequential order.

6. In the result, this Writ Petition is allowed with the above directions. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.11.2023

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

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W.P.(MD) No.22471 of 2021

N. ANAND VENKATESH, J.

ssb

To

- 1.The Revenue Divisional Officer,
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- 2.The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.
- 3.The Zonal Deputy Tahsildar,
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