



W.P.(MD)No.3013 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.3013 of 2016

and

W.M.P.(MD).No.2638 of 2016

P.Surendra Babu

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Karur District,
Karur.

2.The Headquarters Deputy Tahsildar,
Manmangalam Taluk,
Karur District, Karur.

3.The Village Administrative Officer,
Athur Village,
Karur District.

4.Kanagaraj

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned patta proceedings of the second respondent

Page 1 of 6



W.P.(MD)No.3013 of 2016

dated 21.05.2014 in respect of patta No.3523 quash the same and consequently directing the second respondent to restore the patta No.2439 exclusively the name of the petitioner as earlier.

For Petitioner :Mr.V.Balaji

For Respondents :Mr.C.Baskaran
Government Advocate for R1 to R3

:No appearance for R4

ORDER

The petitioner assails an order dated 21.05.2014 of the second respondent by which the patta was mutated.

2.The petitioner asserts that the property in S.F.No.593/2C belonged to his father, who purchased the same under sale deed dated 06.01.1986. Upon the death of his father, it is stated that he is the sole owner of the property. Similarly, the petitioner asserts that the property in Survey No.588/1A1B belongs to him by virtue of partition deed dated 09.02.1998 between his father and himself. According to the petitioner, the second respondent previously granted patta No.2439 exclusively in his



W.P.(MD)No.3013 of 2016

name. The grievance of the petitioner is that the patta was mutated without conducting an enquiry and new patta No.3523 was issued by including the name of the fourth respondent.

3. Learned counsel for the petitioner invited my attention to the counter of the second respondent and pointed out that the second respondent admitted in paragraph No.4 and 5 thereof that the files relating to the enquiry were misplaced. In view of the assertion by the petitioner that no enquiry was conducted and the response that the files relates thereto were misplaced, learned counsel for the petitioner submitted that the impugned order is unsustainable.

4. Learned Government Advocate produced a communication dated 30.08.2012 and submitted that the said communication indicates that an enquiry was conducted on 03.09.2012. Therefore, he submits that it is not correct to said that no enquiry was conducted.



W.P.(MD)No.3013 of 2016

WEB COPY

5. In spite of service of notice, the fourth respondent did not appear.

6. The communication dated 30.08.2012 does not contain any indication that the petitioner was called for the enquiry on 03.04.2012. As contended by learned counsel for the petitioner, the official respondents are unable to establish that an enquiry was conducted in relation to the mutation of patta. On that limited ground, the impugned order is unsustainable. Consequently, the impugned order is quashed. The second respondent is directed to conduct a fresh enquiry by providing a reasonable opportunity to the petitioner, the fourth respondent and any other person who would be affected by the decision. Upon conducting such enquiry, a reasoned decision shall be issued in relation to the patta mutation. This exercise shall be concluded within a period of four months from the date of receipt of a copy of this order.



W.P.(MD)No.3013 of 2016

WEB COPY

7. Accordingly, W.P.(MD).No.3013 of 2016 is disposed of without any order as to costs. Consequently, connected W.M.P.(MD).No.2638 of 2016 is closed

21.03.2023

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

To

- 1.The Revenue Divisional Officer,
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- 2.The Headquarters Deputy Tahsildar,
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- 3.The Village Administrative Officer,
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W.P.(MD)No.3013 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

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W.P.(MD)No.3013 of 2016
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