



W.P.(MD)Nos.9452 and 9454 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.9452 and 9454 of 2016

and

W.M.P.(MD)Nos.7505 and 7509 of 2016

1. Rajeswari
2. Balaguru
3. Minor Satheeswari
(Rep. by her natural guardian
1st petitioner)

... Petitioners in both W.Ps.

versus

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.
3. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
4. The Tahsildar,
Ramanathapuram,
Ramanathapuram District.



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5. The Zonal Deputy Tahsildar,
Ramanathapuram,
Ramanathapuram District.

6. Saroja

7. Nagarathinam

8. T.Manoharan

9. S.Ramanathan

10. Muthukumar

11. The Joint Sub Registrar No.II,
Ramanathapuram,
Ramanathapuram District.

... Respondents in both W.Ps.

Prayer in W.P.(MD)No.9452 of 2016: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the 5th respondent in R.T.R.No.F15/1255, dated 23.06.2015, quash the same and direct the 5th respondent to restore the patta in respect of S.No.255/10A1 of Azhagankulam Village, Ramanathapuram Taluk, Ramanathapuram District.

Prayer in W.P.(MD)No.9454 of 2016: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of



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Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the 5th respondent in R.T.R.No.F15/1257, dated 23.06.2015, quash the same and direct the 5th respondent to restore the patta in respect of S.Nos.248/4, 311/1 and 311/2 of Azhagankulam Village, Ramanathapuram Taluk, Ramanathapuram District.

For Petitioner in
both W.Ps. : Mr.M.Saravanan

For R1 to R5
and R11 : Mr.M.Ramesh,
in both W.Ps. Government Advocate
For R6 to R8 and
R10 in both W.Ps.: Mr.S.C.Herold Singh

COMMON ORDER

These writ petitions are filed as against the orders dated 23.06.2015 passed by the 5th respondent/the Zonal Deputy Tahsildar, Ramanathapuram, granting patta in favour of the 6th respondent.

2. The learned counsel appearing for the petitioners submits that patta for the lands in Survey Nos.255/10A1, 248/4, 302/1A, 311/1,



311/2 stands in the name of the first petitioner, Rajeswari. While so, on the application filed by the 6th respondent, without issuing any notice to the first petitioner, the 5th respondent has unanimously cancelled the patta, which stands in the name of the first petitioner, Rajeswari and issued patta in favour the 6th respondent. Taking advantage of the same, the 6th respondent has sold the properties in favour of respondents 7 to 10.

3. The learned counsel appearing for the respondents 6 to 8 and 10 submits that the 6th respondent is the first wife of one Thirugnana Sambantham and these properties as mentioned above belonged to her husband Thirugnanam Sambantham. However, the writ petitioners have managed to create some documents in favour of the first petitioner, in whose name patta was also transferred.

4. The learned Government Advocate appearing for the respondents 1 to 5 submits that as against the orders passed by the 5th



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respondent, the petitioners filed an appeal before the Revenue Divisional Officer, Ramanathapuram. The Revenue Divisional Officer, Ramanathapuram, has also issued summons to the 6th and 7th respondents for conducting an enquiry with regard to grant of patta in Survey Nos.255/10, 248/4, 302/1A, 311/1, 311/3, by notice dated 11.10.2023 and the enquiry is scheduled to be conducted on 20.10.2023.

5. This Court has considered the rival submissions made and perused the materials available on record.

6. Admittedly, the patta for these lands originally stands in the name of the first petitioner Rajeswari. On the application of the 6th respondent, the 5th respondent has conducted an enquiry and passed the impugned order transferring patta in the name of the 6th respondent. However, the enquiry has been conducted in the absence of the first petitioner Rajeswari, in whose name patta stands. Therefore, it shows



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that it is a clear violation of principles of natural justice.

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7. Accordingly, this writ petition is allowed and impugned orders passed by the 5th respondent in R.T.R.No.F15/1255 and R.T.R.No.F15/1257, dated 23.06.2015 are hereby set aside. The Revenue Divisional Officer, Ramanathapuram, shall conduct an enquiry by providing an opportunity of hearing to all the parties concerned and take a decision within a period of 12 weeks from the date of receipt of a copy of this order. The petitioners as well as the respondents 6 to 10 shall also co-operate for the enquiry by submitting their response to the summons dated 11.10.2023. No costs. Consequently, connected miscellaneous petitions are closed.

12.10.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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Ramanathapuram.
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B.PUGALENDHI, J.

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