



WEB COPY

W.P.No.19442 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19442 of 2024

S.Jeeva

...

Petitioner

versus

1.The District Collector,
Erode, Erode District - 638 011.

2.The Tahsildar,
Erode, Erode District.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records on the file of the first respondent in Na.Ka.No.24995/2020/U1, dated 10.12.2020 and quash the same.

For Petitioner : Mr.N.Palanikumar

For Respondents : Mr.G.Ameedius
Government Advocate



ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. Challenging the impugned order dated 10.12.2020 wherein the patta issued in favour of the petitioner by the first respondent was cancelled.

3. It is the contention of the petitioner that she is in possession of the property by virtue of the Settlement Deed dated 13.12.2019 in respect of Survey Nos.1145/8, 1145/9 and 1145/10 and present Re-Survey No.1145/18A and 18B and patta numbers 5369 and 5370 measuring an extent of 1.56 Ares. The petitioner's name has been mutated and patta also issued. Now, the impugned order has been passed without giving any opportunity to the petitioner. Hence, the present writ petition.

4. The learned Government Advocate for the respondents fairly submitted that no notice whatsoever was given to the petitioner. Hence, if the order is remanded back to the authorities, an opportunity will be given to the petitioner and a fresh order will be passed.



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5. I have perused the impugned order dated 10.12.2020 passed by the first respondent. The order came to be passed merely on the ground that the Revenue Divisional Officer has no power to issue patta. Since the lands are classified as 'anatheenam', the order has to be set aside.

6. On perusal of the entire order makes it very clear that no opportunity whatsoever was given to the petitioner. Therefore, any order that violates the principles of natural justice, cannot be sustained in the eye of law. Accordingly, the impugned order passed by the first respondent dated 10.12.2020 stands quashed and the matter is remitted back to the first respondent for passing a fresh order after giving an opportunity to the petitioner.

7. With the above directions, this Writ Petition is allowed. No costs.

15.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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To

- 1.The District Collector,
Erode, Erode District - 638 011.
- 2.The Tahsildar,
Erode, Erode District.

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