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W.P. Nos.21822 & 21824 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. Nos.21822 & 21824 of 2024 and
W.M.P. Nos.23810, 23811, 23814, 23815 & 23817 of 2024

Shrine Basilica Velankanni Church
Rep. by Rev. Fr.C.Irudhayaraj
Rector, Velankanni Church
Nagapattinam - 611 111

... Petitioner in both WPs

Vs

- 1.The District Collector
Nagapattinam District
- 2.The Thasildhar
Kilvelur Taluk
Nagapattinam District
- 3.The Zonal Deputy Thasildhar
Taluk Office, Kilvelur
Nagapattinam District
- 4.The Village Administrative Officer
Sivan Keezha Veedhi
Velankanni, Nagapattinam District
- 5.V.N.Dharmarajan
- 6.Mrs.Banumathi

... Respondents in both WPs



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COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the entire records relating to the impugned order dated 29.06.2024 in proceedings No.T.R. No.2024/0103/19/181272TR and 02.07.2024 in proceedings T.R. No.2024/0103/19/181767TR and quash the same.

For Petitioner : Mr.L.Mouli
in both WPs

For Respondents : Mr.P.Sathish
in both WPs Addl. Govt. Pleader for R1 to R4

COMMON ORDER

These writ petitions have been filed Challenging the impugned proceedings of the second respondent dated 29.06.2024 and 02.07.2024, changing the patta in the name of the 5th respondent. Originally patta stood in the name of the writ petitioner.

2. It is the case of the writ petitioner that on the basis of the petition given by the fifth respondent dated 24.06.2024, the impugned order came to be passed without any enquiry, transferring the patta in favour of the 5th respondent and assigned Patta No.2145. Pursuant to the impugned order, the



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fifth respondent had executed a settlement deed in favour of his wife, namely the 6th respondent. Hence the petitioner gave a representation to the first respondent on 02.07.2024 seeking to take action against the respondents 2 to 4 for illegally transferring the patta in favour of the fifth respondent herein. The second respondent after the settlement deed executed by the fifth respondent, had passed an order on 02.07.2024 including petitioner's name jointly in Patta No.2145.

3. The learned Additional Government Pleader appearing for the official respondents would submit that the impugned order has been passed without any opportunity and also without any enquiry and no reason whatsoever was stated in the impugned order and also submitted that if the matters are remitted back to the authority concerned, the authority will issue notice to the petitioner as well as the 5th respondent and decide the issue.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the official respondents and perused the entire materials available on record.



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5. On perusal of the impugned orders, it would indicate that no opportunity whatsoever was given and the same was passed without any enquiry and does not contain any reason. In such view of the matter, the impugned orders of the second respondent dated 29.06.2024 and 02.07.2024, are quashed and the matters are remitted back to the second respondent. The second respondent shall conduct an enquiry and issue notice to the fifth respondent as well as the writ petitioner and dispose of the same on its own merits, by giving an opportunity of being heard to the petitioner as well as the fifth respondent, within a period of two months from the date of receipt of a copy of this order.

6. Accordingly, both the writ petitions are disposed of. However, there is no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

31.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr



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High Court, Madras



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N.SATHISH KUMAR, J.

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