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W.P.No.33883 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.33883 of 2024

E.Selvapperumal

... Petitioner

Vs.

The Thasildar,
Uthukottai Taluk,
Uthukottai & PO,
Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records in proceedings Na.Ka.1659/2023/A1 dated 06.11.2023 on the file of the respondent and quash the same and consequently revert the patta to my name under patta No.272 thereby direct the respondent to conduct an enquiry and pass orders for transfer of patta, as mandated under Sec.10 (3) of the Patta Pass Book Act, 1983 in respect of lands in S.No.149/2 and 151/1B situate at Tharakshi Village, Uthukottai Taluk, Thiruvallur District.

For Petitioner : Mr.Dr.S.S.Swaminathan

For Respondent : Mr.A.Selvendran
Special Government Pleader



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ORDER

Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of the Respondent.

2. This Writ Petition has been filed for a Certiorarified Mandamus to call for the records in proceedings Na.Ka.1659/2023/A1 dated 06.11.2023 on the file of the respondent and quash the same and consequently revert the patta to my name under patta No.272 thereby direct the respondent to conduct an enquiry and pass orders for transfer of patta, as mandated under Sec.10 (3) of the Patta Pass Book Act, 1983 in respect of lands in S.No.149/2 and 151/1B situate at Tharakshi Village, Uthukottai Taluk, Thiruvallur District.

3. The Challenge to the Order dated 06.11.2023 passed by the Respondent herein is on the ground that no notice has been issued to the Petitioner and that orders have been passed behind their back. Though the Impugned Order has been forwarded to the Petitioner since this is the main



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ground on which the Writ Petition has been led namely that the principles of natural justice has not been followed, I do not propose to set out the facts of the case as set out in the affidavit filed in support of the present Writ Petition.

4. Merely a perusal of the Impugned Order dated 06.11.2023 passed by the Respondent clearly indicates that no notice has been issued to the Petitioner. Even as per the Impugned Order, the Respondent has himself observed that the Patta stood in the name of the Petitioner's father Elumalai and thereafter, in the name of the Petitioner in respect of the properties comprised in S.Nos.149/2 and 151/1B at Tharakshi Village, Uthukottai Taluk, Thiruvallur District.

5. The reading of the Impugned Order would show that neither the Petitioner nor his father had appeared before the Respondent. Therefore, it is an Order which has been passed behind their back particularly when the original Patta stood in their names. Therefore, the Writ Petition is allowed. Accordingly, the Impugned Order dated 06.11.2023 is set aside and the matter is remitted back to the Respondent for fresh consideration, after giving due opportunity for personal hearing to the Petitioner and the Applicant



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before the Respondent pass appropriate orders on merits and in accordance with law. It is needless to state that since the Impugned Order is set aside, the Patta shall be restored to its original state. The matter shall be re-heard after the Patta is restored in the name of the original Pattadars. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this Order. No costs.

20.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
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To

The Thasildar,
Uthukottai Taluk,
Uthukottai & PO,
Thiruvallur District.



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P.T.ASHA, J.

rgm

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