



WEB COPY



W.P.No.33289 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

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

W.P.No.33289 of 2024
and
W.M.P.No.36083 of 2024

Mr.T.Elansezhian

... Petitioner

Vs.

1. The District Revenue Officer,
Office of the District Revenue Officer,
District Collector Office Campus,
Dharmapuri – 636 705.
2. The Tahsildar,
Taluk Office,
Dharmapuri – 636 701.
3. The Zonal Deputy Tahsildar,
Taluk Office,
Dharmapuri – 636 701.
4. S.Vimala

... 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 of the 1st Respondent in Ni.Mu.14867/2024/PA2 dated 13.09.2024 and set aside the



W.P.No.33289 of 2024

same as illegal, without jurisdiction and made in violation of principles of natural justice and consequently, direct the 1st to 3rd respondents herein to restore the patta in the name of petitioner in Patta No.589 by cancelling the Patta No.2897 effected in the name of dead person one Mottaiyan @ Savuriyappan, son of Chinnappan in respect of Survey No.265/1, 266/1 in K.Naduhalli, Kolagathur Village, Dharmapuri Taluk and District.

For Petitioner : Mr.M.Sathiyaseelan

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed for a Certiorarified Mandamus to call for the records of the 1st Respondent in Ni.Mu.14867/2024/PA2 dated 13.09.2024 and set aside the same as illegal, without jurisdiction and made in violation of principles of natural justice and consequently, direct the 1st to 3rd respondents herein to restore the patta in the name of petitioner in Patta No.589 by cancelling the Patta No.2897 effected in the name of dead person one Mottaiyan @ Savuriyappan, son of Chinnappan in respect of Survey No.265/1, 266/1 in K.Naduhalli, Kolagathur Village, Dharmapuri Taluk and District.



W.P.No.33289 of 2024

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

3. Heard the learned counsel on either side.

4. The main grievance of the Petitioner is that the Impugned Order dated 13.09.2024 has been passed without notice to the Petitioner despite the fact that the Patta had been transferred in the name of the Petitioner in the year 2012 itself in Patta No.589 by the 2nd Respondent.

5. A perusal of the Impugned Order dated 13.09.2024 would also prove the said contention. Therefore, without traversing on the merits of the case and as Mr.A.Selvendran, learned Special Government Pleader appearing for the 4th Respondent has not been able to refute the said, the Impugned Order has to go.

6. Under these circumstances, the Writ Petition is allowed. Therefore, Impugned Order dated 13.09.2024 is quashed and the case is remitted back to the Respondents 1 to 3 to restore the Patta in the name of the Petitioner in



W.P.No.33289 of 2024

Patta No.589 and pass appropriate orders on merits and in accordance with law within a period of (4) weeks from the date of receipt of a copy of this Order.

7. The Writ Petition is allowed with the above observations and directions. No costs. Consequently, connected Miscellaneous Petition is closed.

07.11.2024

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



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P.T.ASHA, J.

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