



WEB COPY



W.P.No.37409 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.12.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.37409 of 2024

Roja

... Petitioner

Vs

1.The District Collector,
Salem,
Salem District.

2.The Sub-Collector cum Revenue Divisional Officer,
Mettur,
Mettur Taluk,
Salem District.

3.The Tahsildar,
Taluk Office,
Kadayampatti Taluk,
Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 3rd respondent dated



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12.10.2021 in his proceeding Na.Ka.406-7/2021/A3, quash the same, consequently direct the 3rd respondent to issue patta to the petitioner in respect of land in Survey No.467 an extent of 1.26 acres at Kanavaipudur Village, Kadayampatti Taluk.

For Petitioner : Mr.M.Elango
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition is filed for a Certiorarified Mandamus, to call for the records relating to the order passed by the 3rd respondent dated 12.10.2021 in his proceeding Na.Ka.406-7/2021/A3, quash the same consequently direct the 3rd respondent to issue patta to the petitioner in respect of land in Survey No.467 an extent of 1.26 acres at Kanavaipudur Village, Kadayampatti Taluk.

2. Nila Kudiyettra Co-operative Society which was established on 15.12.1938 owned a total extent of 152.88.5 Hectares.

3. The parents of the petitioner were members of the said Society



and they were allotted agricultural lands to an extent of 1 Acre 26 cents comprised in Survey No.467, Kanavaipudhur Village, Kadaiyampatti Taluk. The petitioner and her predecessor in title has been in possession of the same for over 80 years and carrying on agricultural operations therein. They have also obtained electricity connection for the same. The petitioner had made a representation dated 23.12.2020 to the respondents seeking to grant patta in respect of the said land. Since the respondents had not issued patta, the petitioner has filed W.P.No.6859 of 2021 before this Court and the same was disposed of on 18.03.2021, directing the 3rd respondent to consider and pass orders within a period of 12 weeks.

4. The 3rd respondent has thereafter passed the impugned order without giving opportunity to the petitioner to make her submissions. The respondents had rejected request of the petitioner on the ground that the petitioner's property has been converted to Government Tharisu in the revenue records and further stated that the petitioner had not



produced any evidence to show that the land was granted to the petitioner, though the Joint Registrar of Omalur Zone, had recommended the grant of patta. Therefore, challenging the impugned order, the petitioner is before this Court.

5. Heard the learned counsels on either side.

6. A perusal of the impugned order would at the outset indicate that no opportunity has been given to the petitioner to put-forth her contentions and the recommendations issued by the Joint Registrar of Omalur Zone has also not been taken into consideration. Considering the fact that the impugned order has been passed without affording opportunity to the petitioner, the same is liable to be set aside and therefore, this writ petition is allowed and the impugned order is set aside and the matter is remitted back to the 3rd respondent for fresh consideration. After issuing notice to the petitioner, hearing her, taking into consideration the recommendations given by the Society and also



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take into consideration the recommendation made by the Joint Registrar of Omalur Zone, dated 22.10.2002, the 3rd respondent shall pass orders within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

10.12.2024

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

ssn

To

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P.T.ASHA, J.,

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