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W.P.No.38178 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No.38178 of 2024**  
**and**  
**W.M.P.Nos.41296 & 41297 of 2024**

S.Sakthivel

... Petitioner

**Vs.**

1.The Revenue Divisional Officer  
Virudhachalam,  
Cuddalore District

2.The Tahsildar  
Thittakudi Taluk,  
Cuddalore District.

3.The Sub Registrar  
Pennadam, Thittakudi Taluk,  
Cuddalore District.

4.Manikodi

...Respondents

**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, Calling for the entire records relating to the order dated 11.01.2024 made in Na.Ka. A3/ 3687/ 2023 on the file of the first respondent herein and quash the same.

For Petitioner : M/s.C.Munusamy



W.P.No.38178 of 2024

For Respondents : M/s.B.Vijay, AGP  
for R3.  
: M/s.A.Selvendran, Spl.G.P.  
for R.1 & R.2

### **ORDER**

The Writ Petition is filed for the following reliefs:-

*" Calling for the entire records relating to the order dated 11.01.2024 made in Na.Ka. A3/ 3687/ 2023 on the file of the first respondent herein and quash the same."*

2. The petitioner's mother Janabai had gifted him a house site measuring an extent of 1614 sq.ft. comprised in S.No.267/9B Pannadam Village, Thittakudi Taluk, Cuddalore in patta number 4357 by a registered gift deed dated 28.06.2023. The petitioner has been in peaceful possession and enjoyment of the property from the date of gift deed without any hindrance from any quarters.

3. While so, the 1<sup>st</sup> respondent had issued a notice directing the petitioner to appear before him in respect of a complaint petition submitted by the 4<sup>th</sup> respondent seeking cancellation of the joint name in patta bearing



numbers 237, 3484, 3712 and 3714. Though the petitioner was issued with a notice, neither a copy of the petition nor the complaint lodged by the 4th respondent was made available to the petitioner. Without furnishing a copy of the petition/complaint and without holding an enquiry the impugned order has been passed by the 1st respondent. The order has been passed without affording a fair opportunity to the petitioner. Therefore, the petitioner is before this Court.

4. Heard the counsels on either side.

5. The Writ Petition is being disposed of at the admission stage without notice to the private respondents since a mere perusal of the impugned order clearly indicates that it was passed without affording a fair opportunity to the petitioner.

6. Therefore, considering the fact that the impugned order has been passed without affording a fair opportunity to the petitioner, the same cannot be sustained.

7. Accordingly, the Writ Petition is allowed and the impugned order



W.P.No.38178 of 2024

passed by the 1st respondent dated 11.01.2024 is set aside.

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8. It is needless to state that the 1<sup>st</sup> respondent shall dispose of the complaint petition filed by the 4<sup>th</sup> respondent as expeditiously as possible, at least within a period of 6 months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

**21.12.2024**

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Revenue Divisional Officer  
Virudhachalam,  
Cuddalore District

2.The Tahsildar  
Thittakudi Taluk,  
Cuddalore District.

3.The Sub Registrar  
Pennadam, Thittakudi Taluk,  
Cuddalore District.

**P.T. ASHA. J.,**



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