



W.P(MD)No.:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.558 of 2024
and
W.M.P(MD)Nos.573 & 574 of 2024

S.Velu

..Petitioner

Vs

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.
- 3.The District Revenue Officer,
Thanjavur,
Thanjavur District.
- 4.The Thasildar,
Thanjavur Taluk,
Thanjavur District.



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5.The Village Administrative Officer,
Nanjikottai Village,
Thanjavur Taluk,
Thanjavur District.

6.Chellappan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No.328/2022/A5, dated 21.06.2023 and quash the same as illegal.

For Petitioner

:Mr.M.A.M.Raja

For R1 to R5

:Mr.D.Gandhiraj

Special Government Pleader

ORDER

The Petitioner has filed this Writ Petition seeking to quash the impugned order passed by the second respondent in Na.Ka.No.328/2022/A5, dated 21.06.2023.

2. The case of the petitioner is that he has purchased the property in S.No.115/4 and New S.No.115/4NaB measuring 4332.25 square feet situated at Nanjikkottai Village, Thanjavur Taluk, Thanjavur District from one Patturajan by virtue of registered



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sale deed, dated 04.09.2019. According to him, the said property is the house-site vacant property and it was originally belonged to one Philomenammal and after her demise, her legal heirs had sold the property to one Kannan as house plots in the year 1999. The said Kannan had sold the property to one Shanmugapriya in the year of 2004 and the said Shanmugapriya had sold the property to one Devaki in the year 2009 and from that Devaki, the said Patturajan had purchased the property in the year 2019. The property was duly authorized as plots and layout was approved by Nanjikottai village Panchayat in the year 2018. The petitioner has purchased the property on 04.09.2019 in document No.4531/2019. The petitioner has constructed the house after obtaining the building approval from the concerned Panchayat authorities and patta has also been changed in his name in D.R.No.2019/0103/21/177908TR, dated 23.09.2019 by the fourth respondent.

3. The matter stood thus, the 6th respondent had preferred an appeal as against the order of the fourth respondent in respect of sub-division of patta before the third respondent in the name of Thiru.Chellappan. The Revenue Divisional Officer, Thanjavur vide proceedings, dated 21.06.2023 has considered the said application based on the various documents, viz., the representation of the Thiru.Chellappan, dated 09.11.2021, the proceedings of the Revenue Divisional Officer, Thanjavur, the report of



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the Zonal Deputy Thasildar, dated 31.12.2022, the letter of the Tahsildar, Thanjavur in Tha.Pa.791/2021, dated 17.02.2023, the proceedings of the Revenue Divisional Officer, Thanjavur in Tha.Pa.621/2021/A5, the report of the Revenue Inspector, dated 23.05.2023. But the notice has not been issued to all other persons, who are aggrieved by the order, namely, Kannan and Shanmugapriya, who have formed the various plots and the petitioner being one of the purchaser from the subsequent purchaser.

4. The grievance of the petitioner is that in the impugned order itself patta number is available and in para-12 of the impugned order states that patta has been in favour of one Venu, S/o.Sangili Servai. As the petitioner is one of the party to the said dispute subsequent to the Kannan and they have not given an opportunity of hearing, the impugned order has been passed without following the principles of natural justice.

5. It is seen that passing an order regarding mutation of patta and cancellation the patta, the concerned authorities ought to have hear the parties and after hearing them only they have to pass an order. The impugned order has been passed without holding an appropriate enquiry.



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6. In view of the above, the impugned order passed by the second respondent in Na.Ka.No.328/2022/A5 dated 21.06.2023 is set aside and the matter is remanded back to the second respondent for fresh consideration. The petitioner is directed to give the fresh representation before the authorities within a period of four weeks from the date of receipt of a copy of this order and on receipt of the representation, the Revenue Divisional Officer, Thanjavur is directed to hold an enquiry after giving an opportunity to all the parties concerned and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks thereafter.

7. With the above observations and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN, J.

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