



W.P.(MD) No.1578 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.1578 of 2024

Deenathayalapandian

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Petitioner

-vs-

1.The District Collector,
O/o. the District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District,
Dindigul.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, calling for the records relating to order passed by the 2nd respondent in his proceedings in Pa.Mu.No.701-67/2019/A2, dated 20.09.2019, served on the petitioner on



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03.01.2024 and quash the same as illegal and consequentially directing the 2nd respondent to restore patta in the name of the petitioner qua the land comprised in S.No.768/4A2, Vilpatty Village, Kodaikanal Taluk, Dindigul District.

For Petitioner : Mr.Ajmal Khan,
Senior Counsel,
for Ms.H.Jasima Yasmin.

For Respondents : Mr.A.Kannan,
Addl. Govt. Pleader.

ORDER

The petitioner, aggrieved by the impugned order, dated 20.09.2019, wherein the patta issued to him was cancelled, has filed the above Writ Petition.

2. The petitioner purchased the subject property in Survey No. 768/4A2 along with other survey numbers vide sale deed, dated 10.06.2005, from M/s.Samyuktha Foundations Private Limited, the power of attorney holders of one K.Ravindra Reddy. The revenue records, including the patta, were mutated for the Survey Nos.763/3B, 764/5B and 768/4A2 as early as in the year 2006. While so, the petitioner received a notice on 27.12.2023, stating that the patta for the land in S.No.768/4A2 was cancelled by the



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second respondent vide the impugned order, dated 20.09.2019, as the said land was registered as Government Purambugal. The petitioner, aggrieved by the cancellation of his patta, filed the above Writ Petition for the aforesaid relief.

3. Learned Senior Counsel, appearing for the petitioner, submitted that no notice was issued to the petitioner and further no opportunity of hearing was afforded to the petitioner before cancellation of patta. The learned Senior Counsel, therefore, submitted that *de hors* the other grounds raised in the Writ Petition, the impugned order is liable to be set aside, on the short ground of violation of principles of natural justice.

4. Learned Additional Government Pleader, appearing for the respondents, fairly concedes that from the impugned notice it is *ex facie* clear that no notice was issued to the petitioner before cancelling the patta.

5. I have heard the submissions of the learned counsel for the parties and also perused the materials available on record.

6. It is seen that the patta was originally issued to the petitioner in the year 2006 and to his predecessors-in-title as early as 1980. Therefore, when the second respondent wanted to cancel the patta, which stood in the name of the petitioner for more than 18 years, the 2nd respondent ought to have given an opportunity of hearing to the petitioner, by issuing notice.



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Admittedly, no notice was issued to the petitioner before the patta was cancelled and, therefore, as rightly contended by the learned Senior Counsel for the petitioner, there is a violation of principles of natural justice. On this short ground, the impugned order is liable to be set aside. Hence, without going into the merits of the case, the impugned order is set aside on the short ground of violation of principles of natural justice and the matter is remitted to the second respondent for fresh consideration. The second respondent shall issue notice to the petitioner and afford him sufficient opportunity of hearing and, thereafter, pass orders on merit and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order.

7. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.(MD) Nos.1564 and 1565 of 2024 are closed.

20.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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N.MALA, J.

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