



W.P(MD)No.1513 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1513 of 2022
and
W.M.P(MD)No.1322 of 2022

R.Najumunnisa

... Petitioner

Vs.

- 1.The State represented by
The Secretary,
Revenue Department,
Chennai.
- 2.The Commissioner of Land Reforms,
Land Reforms Commission,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Dindigul.
- 4.The District Revenue Officer,
O/o.Dindigul District Collectorate,
Dindigul -4.
- 5.The Revenue Divisional Officer,
Kodaikanal,
Dindigul.



W.P(MD)No.1513 of 2022

6.The Thasildar,
Kodaikanal,
Dindigul District.

7.The Special Thasildar (Settlement),
Kodaikanal,
Dindigul District.

.. Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records and to quash the impugned order of 3rd respondent in Pa.Mu.No. 701-41/2019/A2 dated 20.09.2019 and quash the same consequently direct the respondents to restore Patta No.601 in the petitioner's husband name Rahamathulla and to delete the word of "Theervai Erpatta Tharishu" in S.F.No.695/2 situated at Vilpatti Village, Kodaikanal Circle, Dindigul District.

For Petitioner : Ms.M.Rajeswari

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader

ORDER

Heard both sides.

2.The petition mentioned land was originally assigned in favour of one Singha. The petitioner's husband purchased the property from the



W.P(MD)No.1513 of 2022

said assignee vide sale deed dated 04.02.1967. Subsequently, patta was also issued in favour of the petitioner's husband. The petitioner's husband subsequently died. The petitioner's grievance is that patta has been cancelled and the land has been classified as "Assessed waste dry". Challenging the same, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that sale in favour of the petitioner's husband took place without getting prior permission from the Revenue Divisional Officer and that is why the cancellation was done. He also stated that whereabouts of the petitioner could not be located and paper publication was also made.

4. It is not in dispute that patta was issued in favour of the petitioner's husband. The Hon'ble Division Bench in a decision reported in **(2010) 5 LW 289 (C.Tirumalai Gounder Vs The State of Tamil Nadu)** had held that if mutation of patta had been made, the fact that Revenue Divisional Officer's permission was not originally obtained cannot be put against subsequent purchaser. It is for this reason, I am constrained to interfere. Admittedly, the petitioner was not put on notice.



W.P(MD)No.1513 of 2022

In this view of the matter, the impugned order is set aside. The matter is remitted to the file of the fifth respondent. The fifth respondent shall issue fresh notice to the petitioner after giving due opportunity to the petitioner, pass final order on merits and in accordance with law.

5.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

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

To

- 1.The Secretary,
Revenue Department,
Chennai.
- 2.The Commissioner of Land Reforms,
Land Reforms Commission,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Dindigul.
- 4.The District Revenue Officer,
O/o.Dindigul District Collectorate,
Dindigul -4.



W.P(MD)No.1513 of 2022

WEB COPY

5.The Revenue Divisional Officer,
Kodaikanal, Dindigul.

6.The Thasildar,
Kodaikanal,
Dindigul District.

7.The Special Thasildar (Settlement),
Kodaikanal,
Dindigul District.



WEB COPY



W.P(MD)No.1513 of 2022

G.R.SWAMINATHAN,J.

MGA

W.P(MD)No.1513 of 2022
and
W.M.P(MD)No.1322 of 2022

17.04.2024