



W.P.(MD).No.1745 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1745 of 2024

K.Pandi

... Petitioner

VS.

1.The Thasildar,
Peraiyur Taluk,
Madurai District.

2.The President,
Saptur Panchayat,
Peraiyur Taluk,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned proceedings in Na.Ka.No.01/2023/Saa.Uoo, dated 07.12.2023 passed by the second respondent herein and to quash the same.

For Petitioner	: Mr.C.Sundaravadivel
For R1	: Mr.SRA.Ramachandran Additional Government Pleader
For R2	: Mr.M.Prakash Additional Government Pleader



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ORDER

This writ petition has been filed challenging the impugned order passed by the second respondent in Na.Ka.No.01/2023/Saa.Uoo, dated 07.12.2023 and to quash the same.

2. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the land in S.No.264/1 situated at Saptur Village, Peraiyur Taluk, Madurai District has been classified as Government Natham. The petitioner has been residing along with his family members in the above said land nearly 40 years and he has been paying the property tax in respect of Door No.1/533 till today. As per the Government Order, the first respondent granted Manai Vari Thoraya Patta (Patta No.2018) in his name in respect of New S.No.264/15, vide proceedings dated 31.12.2022. While so, one Rajiyabanu and three others filed a suit in O.S.No.125 of 2013 before the District Munsif cum



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Judicial Magistrate, Peraiyur against the petitioner and 8 others, for recovery of possession and means profit in respect of the land in S.Nos. 264/2 and 264/1. The said suit was disposed of by holding that they are entitled to recover possession only in respect of 49 cents of land in S.No. 264/2 and they have no right or title in respect of 7 cents of land in S.N. 264/1. Against which, the petitioner and five others preferred an appeal in A.S.No.125 of 2023 before the Sub Court, Thirumangalam and the same is pending.

4. It is the further case of the petitioner that the said Rajiyabanu and others also filed an appeal in A.S.No.35 of 2023 before the Sub Court, Thirumangalam and the same is also pending. Suppressing the same, the said Rajiyabanu preferred an appeal before the Revenue Divisional Officer, Usilampatti, challenging the patta issued to the petitioner. The Revenue Divisional Officer, Usilampatti, without considering the fact that two appeals were pending against the judgment and decree passed in O.S.No.125 of 2013, has erroneously cancelled the patta issued to the petitioner, on the ground that her husband is an Ex-



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Serviceman. Hence, she preferred a revision before the District Revenue Officer, Madurai and the same is pending. While so, without issuing any notice to the petitioner, the second respondent has cancelled the property tax bearing Door No.1/533A vide proceedings dated 07.12.2023, on the ground that the Revenue Divisional Officer, Usilampatti had cancelled the patta issued by the first respondent in favour of the petitioner. Challenging the same, the present writ petition has been filed.

5. The learned Additional Government Pleader appearing for the first respondent would submit that based on the order passed by the Revenue Divisional Officer, Usilampatti, the second respondent has cancelled the property tax. He would further submit that on 28.02.2024, they are going to hold an enquiry regarding this issue and the petitioner and all other parties to be heard by the authorities concerned and appropriate orders will be passed thereon.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleaders appearing for the respondents.



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7. The second respondent has passed the impugned order without even giving an opportunity of hearing to the petitioner. The same cannot be accepted by this Court as the opportunity of hearing has to be given to the parties and that too the appeals filed by the parties also pending. Hence, the impugned order passed by the second respondent dated 07.12.2023 is quashed and the respondents are directed to complete the enquiry and pass appropriate orders, on merits and in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of this order. Till such time, the respondents have to collect the tax from the petitioner.

8. In the result, this Writ Petition is allowed. No costs.

30.01.2024

Index: Yes/No
Internet: Yes/No

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To

- 1.The Thasildar,
Peraiyur Taluk,
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- 2.The President,
Saptur Panchayat,
Peraiyur Taluk,
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V.BHAVANI SUBBAROYAN,J.

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