



WEB COPY

W.P(MD)No.2.



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2452 of 2024

and

W.M.P(MD)No.2463 of 2024

.M.Rajalakshmi

..Petitioner

Vs

1.The District Revenue Officer,
Dindigul District,
Dindigul.

2.The Deputy Zonal Tahsildar,
Dindigul West,
Dindigul District.

3.V.Marimuthu

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in T.R: 2020/0103/13/121811T.R, dated on 05.08.2020 and quash the same as illegal and consequently directing the respondents to restore the joint Patta No.1306 in relates to the Survey No.732/2 situated at Seelapadi Village, Dindigul as is earlier position.



For Petitioner
For R1 & R2

:Mr.S.Muthukumar
: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 his proceedings in T.R:2020/0103/13/121811T.R, dated 05.08.2020 and quash the same as illegal and consequently, directing the respondents to restore the joint Patta No.1306 in relates to the Survey No.732/2 situated at Seelapadi Village, Dindigul as is earlier position.

2. Heard Mr.S.Muthukumar, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents 1 & 2.

3. Considering the nature of the order proposed to be passed, protecting the interest of the third respondent also, notice to the third respondent is dispensed with. By consent, this writ petition is disposed of at the admission itself.

4. The learned counsel for the petitioner would submit that on 31.07.2020, the third respondent's father viz., Venkataraman made an application to the second



W.P(MD)No.2.

respondent, wherein, he sought for mutation in the Joint patta No.1306 and issue fresh patta in his name. Based on the representation, dated 31.07.2020 the second respondent has modified the entries made in the joint patta passbook No.1306 and assigned new patta and gave a new number as is stands earlier No.1306 in favour of the third respondent father by his proceedings in T.R.2020/0103/13/121811T.R, dated 05.08.2020 in these connection, none of our family members were called out by the second respondent and given sufficient opportunity to demonstrate their case. The second respondent issued a fresh patta in favour of Venkatraman within a week without conducting any enquiry.

5. It is seen that the Zonal Deputy Tahsildar, dated 05.08.2020 has passed an order changing the patta as per the petition filed by one Venkatraman, dated 31.07.2020, who is the father of the third respondent. Within the 5 days from the date of representation, one P.Murugesan, Village Administrative Officer gave a report to the Zonal Deputy Tahsildar and on the same day, the Zonal Deputy Tahsildar passed such order of mutating the patta in the name of the third parties. Before passing the impugned order, no notice was given to the petitioner and any other parties regarding this dispute.



W.P(MD)No.2.

6. It is seen that since there was no proper enquiry has been conducted by authorities, therefore, the impugned order passed by the second respondent dated 05.08.2020 is set aside and the matter is remitted back to the authorities for fresh consideration. The authorities are directed to conduct a fresh enquiry and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order after giving notice to all the interested parties concerned.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet: Yes/No
am

07.02.2024

To

1.The District Revenue Officer,
Dindigul District,
Dindigul.

2.The Deputy Zonal Tahsildar,
Dindigul West,
Dindigul District.

4/5



WEB COPY



W.P(MD)No.2.

V.BHAVANI SUBBAROYAN, J.

am

W.P(MD)No.2452 of 2024

07.02.2024