



W.P.(MD)No.8274 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.8274 of 2021

and

W.M.P.(MD)No.6261 of 2021

1.T.Rajeshkanna

2.B.Yamuna

3.Bharathi

... Petitioners

Vs.

1.The Zonal Deputy Tahsildar,

Karur Taluk,

Karur District.

2.Kaliyanna Gowtham

... Respondents

PRAYER : Writ Petition 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 order passed by the first respondent in his proceedings in T.R.2020/0103/14/120274TR, dated 08.03.2020 and quash the same as illegal and arbitrary so far as it relates to S.F.361 & 382 of Thirumanilayur Village, Karur Taluk, Karur District.



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W.P.(MD)No.8274 of 2021

For Petitioners : Mr.K.Suresh

For Respondents : Mr.A.K.Manikkam
Additional Government Pleader
for R.1

ORDER

The Writ Petition is directed against the order dated 08.03.2020 passed by the first respondent granting patta in favour of the petitioners as well as the second respondent.

2. The learned Counsel for the petitioners would submit that the second respondent's father one Babu for himself and on behalf of the minor – second respondent sold the property in dispute to the first petitioner and one Balamurugan, vide sale deed dated 16.11.1999, that subsequent to the same, the said Balamurugan had died leaving behind the petitioners 2 and 3 as his legal heirs and that the petitioners subsequently came to know that the second respondent's name was included in the patta along with the petitioners. He would further submit that on enquiry, they came to know that the second respondent and his father have filed a collusive suit for partition and the matter was referred



W.P.(MD)No.8274 of 2021

to Lok Adalat and obtained an award therein and on the basis of the said award, they have applied before the first respondent and got the second respondent's name included in the patta along with the petitioners.

3. The main contention of the learned Counsel for the petitioners is that the first respondent, without issuing any notice to the petitioners and without giving any reasonable opportunity of being heard, has passed the impugned order.

4. The learned Special Government Pleader appearing for the first respondent and the learned Counsel appearing for the second respondent would fairly admit that the petitioners were not heard before passing the impugned order.

5. Considering the above and taking note of the submissions made by the learned Counsel appearing on either side, this Court has no hesitation to hold that since the impugned order came to be passed in total violation of the principles of natural justice, the same cannot legally be sustained and consequently, the impugned order is liable to be



W.P.(MD)No.8274 of 2021

quashed.

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6. In the result, the Writ Petition is allowed and the impugned order passed by the first respondent in his proceedings in T.R. 2020/0103/14/120274TR, dated 08.03.2020, is hereby quashed. The first respondent is directed to give notice to all the parties including the petitioners, conduct a proper enquiry and pass orders on merits and in accordance with law, within period of eight weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

11.06.2024

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

SSL

To
The Zonal Deputy Tahsildar,
Karur Taluk,
Karur District.



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W.P.(MD)No.8274 of 2021

K.MURALI SHANKAR,J.

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