



W.P.(MD) No.3555 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.3555 of 2019
and
W.M.P.(MD) Nos.2780 and 2781 of 2019**

Malaisamy

... Petitioner

/vs./

1.The District Revenue Officer/
Additional District Magistrate,
Madurai District,
Madurai.

2.Anand

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order passed by the 1st respondent on 02.11.2018 in Ni.Mu.No. 39242/2015/G5 and quash the same and consequently direct the 1st respondent to transfer the petitioner's name in patta No. 126 in survey No.204/1, 204/3, 204/7 and 204/8 situated at Oorcheri Village, Vadipatti Taluk, Madurai District.



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For Petitioner : Mr.M.Ramu

For R1 : Mr.D.S.Nedunchezian
Government Advocate

For R2 : Mr.S.Vijayakumar

ORDER

The petitioner seeks to quash the order passed by the first respondent dated 02.11.2018 and for a direction to the first respondent to transfer the petitioner's name in patta No.126 in S.Nos.204/1, 204/3, 204/7 and 204/8 situated at Oorcheri Village, Vadipatti Taluk, Madurai District.

2. The petitioner would submit that one Nainappan, who is the grandfather of the second respondent, had filed an application challenging the grant of joint patta to the petitioner and his brother on the ground that the property, measuring an extent of 2 acres, 3.5 acres, 5 acres, 11 acres and 4 acres, in S.Nos.204/1, 204/3, 204/7, 204/8 and 204/14 respectively belonged to him and the petitioner and the petitioner's brother's name has been wrongly included in the patta.

3. It is the case of said Nainappan that the property is the ancestral property of his mother, Alagammal, W/o.Subbiah Ambalam and in the UDR scheme, the



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patta was mistakenly recorded in the name of the petitioner and his brother. The said proceeding was filed in 2014 and no notice of the proceeding has been received by the petitioner and without affording an opportunity, the impugned order came to be passed in and by which the patta standing in their names has been cancelled.

4. The petitioner would submit that the disputed property in S.No.204/14 is his ancestral property, which he inherited from the great grandfather of Malaisamy, the petitioner's father. The petitioner would further submit that Nainappan had expired in the year 2015 leaving behind other legal heirs, Selvam, Chinnaponnu and Chandra and the father of the second respondent Selvam. The said Selvam had also expired in the year 2016 leaving behind the second respondent and his sisters. None of the legal heirs have been brought on record. Further, the petitioner and his brother had filed a suit O.S.No.154 of 2018 on the file of the learned Judicial Magistrate, Vadipatti, which is pending, despite which the impugned order has come to be passed.



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5. The sum and substance of the challenge of the petitioner is that no notice has been served on them and that the proceeding had been continued though Nainappan had passed away. The records have been produced for the scrutiny of this Court.

6. A perusal of the records would clearly show that the notice indicating the date of enquiry has been sent by registered post to the petitioner, Malaisamy. Further, the application for cancellation of patta has been jointly made by the said Nainappan and the second respondent, Anandh, who are represented by a counsel. The revenue records clearly indicate that the property stands in the name of Nainappan and the impugned order clearly reads that the petitioner has not produced any documents to show their possession or ownership of the property in question. Therefore, the only ground, on which the impugned order is challenged, namely non receipt of notice, is found to be erroneous.

7. Therefore, the Writ Petition stands dismissed. No costs. Consequently,



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connected Miscellaneous Petitions are closed.

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

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To

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Additional District Magistrate,
Madurai District,
Madurai.



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P.T.ASHA, J.

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