



W.P.(MD)No.18043 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.18043 of 2024

and

W.M.P(MD)Nos.15440, 15441 and 18431 of 2024

K.Balakrishnan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Nanguneri,
Tirunelveli District.

3.The Zonal Deputy Tahsildar,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.

4.Muthuraj

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent vide her proceedings in T.R. 2024/0103/29/398085TR, dated 07.06.2024 and quash the same and



W.P.(MD)No.18043 of 2024

consequently directing the third respondent to restore the patta bearing Patta No.1721 in the name of the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
For R1 to R3 : Mr.R.Ragavendran
Government Advocate
For R4 : Mr.N.Dilip Kumar
For Mr.M.Hari Prasanth

ORDER

The writ petition has been filed challenging the order of the third respondent, dated 07.06.2024, wherein, patta issued in the name of the petitioner in Patta No.1721 was cancelled and joint patta issued in the name of the petitioner and the fourth respondent in Patta No.2329 and consequently, directing the third respondent to restore the patta bearing Patta No.1721 in the name of the petitioner

2. The petitioner purchased the subject properties in Periyakulam Puravu, Thalapathisamuthiram Part-I, Nanguneri Taluk, Tirunelveli District, vide registered sale deed, dated 18.07.2016 in Document No.1774 of 2016 from his brother, namely, Muthukrishnan. In pursuance to the sale, the third respondent issued patta to the petitioner in Patta No.1721. While so, the fourth respondent



W.P.(MD)No.18043 of 2024

made application to the third respondent to grant patta to him stating that he purchased the subject property through Court auction vide Document No.1803 of 2024. In pursuance of the fourth respondent's application for grant of patta to him, the petitioner submitted his objections to the respondents 1 to 3. In spite of the petitioner's objection, the third respondent without conducting any enquiry and without affording an opportunity of hearing to the petitioner passed the impugned order cancelling the separate patta of the petitioner and issued joint patta in Patta No.2329, by including the name of the fourth respondent. Aggrieved by the impugned order, the petitioner filed the above writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the impugned order was liable to be set aside on the ground of violation of principles of natural justice, inasmuch as, no notice of enquiry was given to the petitioner before cancelling the patta issued in his favour and issuing the joint patta by including the name of the fourth respondent.

4. The learned Government Advocate for the respondents 1 to 3, on instructions, fairly submitted that no enquiry was conducted before passing the impugned order.



W.P.(MD)No.18043 of 2024

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5. The learned counsel for the fourth respondent argued on the merits of the case and submitted that the writ petition deserved to be dismissed.

6. Heard both learned counsels and perused the available materials on record.

7. Without going into the merits of the case, I am of the view that the writ petition deserves to be allowed on the short score of violation of principles of natural justice apart from the violation of the procedure contemplated under Section 10 of the Tamil Nadu Patta Passbook Act. Admittedly, the third respondent did not issue any notice of enquiry before cancelling the patta in the petitioner's name and issuing the joint patta including the name of the fourth respondent.

8. Ergo, the impugned order, dated 07.06.2024, is set aside and the matter is remitted back to the third respondent for fresh consideration. The third respondent shall consider the petitioner's objection strictly in compliance with Section 10 of the Tamil Nadu Patta Passbook Act and pass orders on merits and



W.P.(MD)No.18043 of 2024

in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

03.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
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- 3.The Zonal Deputy Tahsildar,
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W.P.(MD)No.18043 of 2024

N.MALA, J.

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W.P.(MD)No.18043 of 2024

03.12.2024