



W.P.(MD) No.20501 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20501 of 2024
and
W.M.P(MD)No.17400 of 2024

Thangaraj

.. Petitioner

Vs.

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

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.Gunamani

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records relating to the impugned order of the 1st respondent in Mu.Mu.No. 3101/2024/A1 dated 03.08.2024 and quash the same as illegal.

For Petitioner	:Mr.D.Venkatesh
For R1 & R2	:Mr.B.Saravanan Addl.Govt.Pleader
For R3	:Mr.Mu.Muthu



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ORDER

This writ petition is filed challenging the impugned order of the first respondent in Mu.Mu.No.3101/2024/A1, dated 03.08.2024 and quash the same as illegal.

2.The case of the petitioner is that the property comprised in S.No. 301/1A measuring an extent of 15 cents, in S.No.301/1B measuring an extent of 4 acre 13 cents and in S.No.301/2 measuring an extent of 1 acre 20 cents belonged to one Soundhara Nayagam, who is the vender of the petitioner. All these lands were situated in Sinthalavadampatti Village, Dindigul. The said lands were purchased by the petitioner from his vendor under a registered sale deed, dated 04.10.2023. In the said lands, a pathway is running through S.Nos.488/1B2, 488/2B2, 488/4B2, 489/1A & 491/2. Since the pathway to an certain extent exclusively belongs to the petitioner's vendor, she was granted patta in respect of the same. The petitioner would submit that to survey and fix four boundaries in the said lands, he made an application to the second respondent on 16.06.2023. Pursuant to which, the second respondent issued notice stating that to



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conduct survey on 22.08.2023. In the meanwhile, on 03.08.2024, the first respondent has passed the impugned order cancelling the patta standing in the name of the petitioner's vendor in respect of the pathway. This order has been passed without jurisdiction. Therefore, the present writ petition is filed.

3.The third respondent had entered appearance through the counsel.

4.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first and second respondents.

5.Admittedly the cancellation has been done by the first respondent without jurisdiction. The competent authority to cancel the patta is the second respondent and the first respondent is only an Appellate Authority. Therefore, the order passed by an authority without jurisdiction is nullified. Therefore, the impugned order dated 03.08.2024



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passed by the first respondent is set aside and the writ petition is allowed. It is needless to state that since the order of cancellation has been passed without jurisdiction, patta standing in the name of the petitioner's vendor viz., Soundhara Nayagam should be restored, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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

2.The Tahsildar,
Palani Taluk,
Dindigul District.



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P.T.ASHA, J.
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