



W.P.(MD) No.5831 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2024

CORAM:

**THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.5831 of 2014
and
M.P.(MD) Nos.2 & 3 of 2014**

1.Sathak Abdul Kadher
2.Ayesha Naria

... Petitioners

-VS-

1.The District Revenue Officer,
Tiruchirapalli.
2.The Revenue Divisional Officer,
Tiruchirapalli.
3.The Tahsildar,
Tiruchirapalli (West),
Tiruchirapalli.
4.The Commissioner,
Tiruchirapalli Corporation,
Tiruchirapalli.
5.S.Usharani

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the second respondent in his proceedings passed in Na.Ka.A7-767-2014 dated 07.03.2014 and quash the same.

For Petitioners : Mr.P.Santhoshkumar

For Respondents 1 to 3 : Mr.SRA.Ramachandran,
Additional Government Pleader

For Respondent No.4 : Mr.Kishore Ram
for M/s.R.B.Law Associates

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Main ground in the petition is that impugned order dated 7th March, 2014, was passed cancelling the patta in petitioner's name without giving even a show cause notice or a hearing, but simply relying on some report allegedly issued by Tahsildar of Tiruchirapalli West. Counsel for petitioner states even that report has not been made available.

2.Counsel for respondent does not dispute. At the same time, he states construction has been stopped since the filing of the petition way back in 2014



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and therefore, court may quash the impugned order and respondents will issue a fresh notice along with a copy of report issued by Tahsildar and call upon petitioner to show cause why the patta should not be cancelled.

3.Shri.SRA.Ramachandran, states that notice with report of Tahsildar will be issued within two weeks and within two weeks thereafter, petitioner may file a reply and a reasoned order shall be passed after giving a personal hearing to petitioner. Shri.SRA.Ramachandran, further states that notice of atleast three working days will be given before personal hearing. Shri.SRA.Ramachandran, further states that until then, petitioner be directed not to continue with any construction activities.

4.Shri.P.Santhoshkumar, appearing for petitioner is agreeable.

5.Therefore, this petition is disposed of, by the following order:

a) Impugned order dated 7th March, 2014, is hereby quashed and set aside;

b) on or before 3rd January, 2025, petitioner shall be issued notice calling upon petitioner to show cause why patta should not be cancelled



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and with the notice, all documents relied upon including report of Tahsildar shall be made available to enable petitioner to effectively reply to show cause notice;

c) petitioner shall reply to show cause notice by 24th January, 2025;

d) show cause notice shall be adjudicated on or before 28th February, 2025;

e) impugned order to be passed shall be a reasoned order and before passing any order, a personal hearing shall be given to petitioner. Notice thereof shall be communicated atleast three working days in advance;

f) until 31st March, 2025, petitioner shall maintain *status quo*.

There shall be no order as to costs. Consequently, interim applications stand dismissed.

[K.R.SHRIRAM., C.J.]

[L.VICTORIA GOWRI, J.]

19.12.2024

NCC : Yes / No
Index : Yes / No
MR



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THE HON'BLE CHIEF JUSTICE
and
L.VICTORIA GOWRI, J.

MR

W.P.(MD) No.5831 of 2014
and
M.P.(MD) No.1 of 2014

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