



WP (MD) No.18210 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.18210 of 2015 and
WMP(MD) No.1 of 2015

Kutti @ Karuppayee

... Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records from the second respondent pertaining to the impugned proceedings in Na.Ka.A5/8600/15, dated 29.09.2015 and to quash the same.

For petitioner : MrG.Mariappan

For Respondents: Mr.R.Suresh Kumar

Additional Government Pleader



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ORDER

The case of the petitioner is that the land in S.No.468/53, Solaikoundanpatti Village, Alaginallur Group of Kariyapatti Taluk, Virudhunagar District is owned by him. The petitioner claims that one Andi Ambalam along with others had disturbed the petitioner's possession and therefore, the petitioner has filed a suit in O.S.No.58 of 2012 on the file of the District Munsif Court, Aruppukottai for the relief of declaration and consequential injunction and the same was decreed in favour of the petitioner on 21.12.2012. Thereafter, the petitioner was issued with patta No.11 by the second respondent on 12.05.2015. While so, the second respondent has passed the impugned order, cancelling the patta granted in favour of the petitioner. As against the same, this writ petition was filed in the year 2015.

2.The learned counsel appearing for the petitioner submits that this impugned order is challenged on two grounds that this



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impugned order is passed by the Tahsildar, Kariyapatti Taluk. The Tahsildar is not the competent authority to cancel the patta, which was already issued in favour of the petitioner. Another ground taken by the petitioner is violation of principles of natural justice that before passing the impugned order of cancellation, the petitioner was not provided any opportunity of hearing.

3. The learned Special Government Pleader appearing for the respondents submits that this property in S.No.468/53, Solaikoundanpatti Village, Alaginallur Group of Kariyapatti Taluk, Virudhunagar District was originally assigned to one Ayyammal, W/o Ambalam on 15.11.2005 with certain conditions. The assignee has not complied with the conditions. Therefore, the order of assignment was cancelled by the Revenue Divisional Officer and this impugned order was passed in consequence to the order passed by the Revenue Divisional Officer.



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4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Admittedly, patta was granted in favour of this petitioner for the subject property by the Tahsildar and the same was cancelled by the order impugned in this writ petition by the Tahsildar himself. Once the Tahsildar has issued the patta, he cannot cancel the patta and in case of any dispute, he ought to have referred the matter to the Revenue Divisional officer concerned. More over, this impugned order was passed without providing any opportunity of hearing to the petitioner. Therefore, on this ground, this Court is inclined to allow this writ petition.

6.Accordingly, this writ petition is allowed. The impugned order is set aside with a liberty to the respondents to initiate the



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proceedings afresh by providing an opportunity of hearing to this petitioner and other interested parties. No costs. Consequently, connected Miscellaneous petition is closed.

18.03.2024

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

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.



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B.PUGALENDHI, J.

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