



W.P.(MD) No.22074 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22074 of 2024

and

W.M.P(MD)Nos.18693 and 18694 of 2024

Kumarasamy

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Zonal Deputy Tahsildar,
Vedasandur Taluk,
Dindigul District.

3.The Village Administrative Officer,
Kalvarpatti Village,
Vedasanthur Taluk,
Karur District.

4.Muthulakshmi

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent



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proceeding in TR 2024/0103/325664TR, dated 16.08.2024 for the present and quash the same as illegal in so far as the petitioner concerned and consequently direct the second respondent to restore the patta No. 3349 in respect of the petitioner's property in S.F.No.938/3 situated at Kalvarpatti Village, Vedasanthur Taluk, Dindigul District.

For Petitioner : Mr.S.Gokulraj

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

Seeking to quash the proceedings of the 2nd respondent in TR 2024/0103/325664TR, dated 16.08.2024 in and by which the petitioner's patta had been cancelled and seeking consequential direction for grant of restoration of the patta no.3349 in respect of the petitioner's property in S.F.No.938/3 situated at Kalvarpatti Village, Vedasanthur Taluk, Dindigul District, the petitioner is before this Court.

2. The petitioner owned an extent of 50 cents in the aforesaid survey number. On 01.02.1974, the petitioner, his father and other co-owners had entered into the partition deed in respect of the aforesaid lands and other agricultural properties. 'D' schedule therein was allotted



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to his father. His father had obtained a separate patta in Patta No.399 and was in peaceful possession and enjoyment of the same. After the demise of his father, the petitioner had been in possession of the same.

3. While so, the 4th respondent who has no right to the aforesaid property made an application for including her name in the patta on 02.08.2024. Without an enquiry or putting the petitioner on notice, the 4th respondent's name has been included. Aggrieved by the same, the petitioner is before this Court.

4. Admittedly, no notice has been issued to the petitioner before the 4th respondent's name had been included in the patta. Therefore, this Court without issuing notice to the 4th respondent who had not sought to implead the petitioner while including her name in the patta, is allowing this writ petition. The matter is remitted back to the 2nd respondent for fresh consideration of the application given by the 4th respondent. The order shall be passed after issuing notice to the petitioner and the 4th respondent and affording them an opportunity of personal hearing. The



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said exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order.

5. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Zonal Deputy Tahsildar,
Vedasandur Taluk,
Dindigul District.
- 3.The Village Administrative Officer,
Kalvarpatti Village,
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P.T.ASHA, J.

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