



W.P.(MD) No.22281 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22281 of 2024

and

W.M.P(MD)Nos.18860 & 18861 of 2024

M.Radwan Mohamed Azam

.. Petitioner

Vs.

1.The Zonal Deputy Tahsildar,
Kayathar Taluk,
Kayathar.

2.K.Kannan

.. 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 in D.R.2023/0103/28/387764TR, dated 23.03.2023 of 1st respondent and quash the same and consequently direct the 1st respondent to restore the patta in its original position in the name of petitioner within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam



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W.P.(MD) No.22281 of 2024

For R1

: Mr.B.Saravanan
Additional Government Pleader

ORDER

The present writ petition has been filed to quash the order passed by the 1st respondent, dated 23.03.2023 and consequently direct the 1st respondent to restore the patta in the name of petitioner.

2. The petitioner has purchased an extent of 0.52.00 hectare and 0.23.00 hectare in Survey Nos.275/2B and 275/3 respectively through a registered sale deed, dated 17.07.2006 and a patta was issued in his name. Thereafter, the patta standing in his name has been transferred in the name of the 2nd respondent. Aggrieved by the same, the petitioner is before this Court.

3. It is admitted that the transfer of patta on the request of the 2nd respondent has been effected without notice to the petitioner who is the registered patta holder in the revenue records. Since the order has been passed behind the back of the petitioner without giving him an



W.P.(MD) No.22281 of 2024

opportunity to submit his case and this erroneous order has been confirmed by the 1st respondent through the impugned order, dated 23.03.2023, the same is quashed. The matter is remitted back to the 1st respondent. The patta issued to the 2nd respondent shall be cancelled and the same shall be reverted back to its original position and thereafter, the request of the 2nd respondent shall be considered and orders shall be passed after issuing notice to the petitioner, within a period of eight (8) weeks from the date of cancellation of the patta.

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

20.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

The Zonal Deputy Tahsildar,
Kayathar Taluk,
Kayathar.



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W.P.(MD) No.22281 of 2024

P.T.ASHA, J.

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W.P.(MD) No.22281 of 2024

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