



W.P(MD)No.22895 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

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THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P(MD)No.22895 of 2024

and

W.M.P(MD)Nos.19426 & 19427 of 2024

P.Chandra

... Petitioner

Vs.

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

2.The Deputy Thasildar,
Dindigul East Taluk Office,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order, dated 08.08.2024 passed by the second respondent vide டி.ஆர்.2023/0103/13/269983TR and set aside the same as illegal and for consequential orders and pass such other or further orders as this Court.

For Petitioner : Mr.M.Iniyavan

For Respondents : Mr.B.Saravanan

Additional Government Pleader



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ORDER

Challenging the order passed by the second respondent on 08.08.2024, the writ petitioner has filed the above writ petition.

2. The petitioner's contention is that the lands comprised in S.Nos. 753/331, 753/320, 753/321, 753/324, 753/325, 753/326, 753/327, 753/328, 753/330, 753/12B1A1A and 753/6A1, measuring about 2 hectares and 54 acres belonged jointly to five persons, namely, Muthuveeran, Vaiyaapuri, Palaniyammal, Pachaimuthu and Alagar. They were issued a joint patta in patta Nos.11748, 14608 and 1701. The petitioner is the daughter-in-law of Alagar. Besides, the petitioner's husband, Pazhanivel, Alagar also had another son Subramaniyan. Pazhanivel and the petitioner had three children, Kalidhas, Amirthavalli and Kala. Her husband passed away on 02.07.2021 and on his death, she and her children inherited his share of the property. After the death of her father-in-law, her husband's brother Subramaniyan and she had jointly submitted an application on 25.07.2023 to the second respondent for transfer of patta in their name. On 01.08.2023, the second respondent accepted the application and transferred the patta in the joint names of her children as also



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her husband's brother. However, within a week thereafter, the second respondent has proceeded to cancel the patta without notice to the petitioner. The second respondent is not the competent authority to cancel the patta. Therefore, the petitioner is before this Court.

3. Heard the learned Counsels on either side.

4. The records would show that in respect of the property in question, patta had been granted in favour of the petitioner, her children and her brother-in-law, after due enquiry by the Zonal Deputy Tahsildar. Thereafter, it appears that on the basis of an application from one Perumal, dated 08.08.2023, the patta granted to the petitioner has been cancelled on the very same day, that too without notice to the petitioner by the second respondent. The second respondent admittedly is not the competent authority to cancel the patta. Further, it is seen that the petitioner has not been put on notice. Therefore, the impugned order suffers from the vice of arbitrariness and has to be set aside and is accordingly set aside. The matter is remitted back for fresh consideration after due notice to the petitioner and other interested parties. The said exercise



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

5. The writ petition stands allowed, accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

26.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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

2.The Deputy Thasildar,
Dindigul East Taluk Office,
Dindigul.



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P.T.ASHA, J.

BTR

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