



W.P.(MD) No.20970 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20970 of 2016

and

W.M.P.(MD) Nos.14969 and 14970 of 2016

P.Annavi

.. Petitioner

Vs.

The Tahsildar,
Office of Taluk Office,
Kadavoor, Karur District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order issued by the respondent herein in his proceedings in Na.Ka A1/586/2015, dated 16.02.2015 and quash the same.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.P.Thambidurai
Government Advocate



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ORDER

Challenging the removal of his name and the inclusion of the name of one Rasammal as pattadhar in respect of the lands comprised in S.Nos. 273/2A, 273/2B and 273/2C, the petitioner is before this Court.

2. It is the case of the petitioner that he is the absolute owner of the aforesaid land totally measuring 60 cents besides other lands in various other survey numbers in Kosur Village, Kadavoor Taluk. The property has been purchased by his father on 23.09.1954 for valuable consideration. After the death of his father, the petitioner and his brother Veeramalai were jointly enjoying the property without any obstruction from any sources for over 16 years and carrying on agricultural activities. The petitioner would submit that he and his brother had constructed their own house in the property and Patta No.38 has been mutated in their names. "A" Register and other revenue documents in respect of the three survey numbers would reflect the names of the petitioner and his brother.



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While so, it appears that one Rasammal, wife of Vayyapuri residing at Mazra Thanthiripatti Kosur Village gave an application to the respondent herein seeking a transfer of patta in her name in respect of the above property. The respondent by his order dated 16.02.2015 without notice to the petitioner has removed his name from the patta and incorporated the name of the said Rasammal. Aggrieved by the same, the petitioner is before this Court.

3. Heard the learned counsel on either side.

4. Considering the fact that the impugned order has been passed by the respondent without notice to the petitioner, more particularly when the respondent had sought to delete the name of the petitioner and incorporate the name of Rasammal, this Writ Petition is allowed, the order of the respondent is set aside and the matter is remitted back to him to consider afresh the request of Rasammal for grant of patta, after giving due notice to the petitioner, hear both sides and pass orders on merits and in accordance with law within a period of period of six weeks from the



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date of receipt of a copy of this order. No costs. Consequently,
connected miscellaneous petitions are closed.

08.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

The Tahsildar,
Office of Taluk Office,
Kadavoor, Karur District.



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P.T.ASHA, J.

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