



W.P.(MD) No.22595 of 2016

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.08.2024**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

W.P.(MD) No.22595 of 2016

and

W.M.P.(MD) Nos.16172 and 16173 of 2016

R.Manoranjitham

.. Petitioner

Vs.

1.The Tahsildar,  
Aruppukottai Taluk,  
Virudhunagar District.

2.Ramanujam @ Rama Durai  
3.Dhanasekaran

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the first respondent in Na.Mu.A3 1037-2008 dated 02.09.2008 and quash the same and further direct the first respondent to grant patta in the name of the petitioner in respect of the property, comprised in Survey Nos.561/5, 561/6, 561/7 and 561/8 situate at Koothiparai Village, Aruppukottai Taluk and Sub Registrar Office, Virudhunagar District, measuring a total extent of 7.46 acres, bearing Patta No.345.



WEB COPY



W.P.(MD) No.22595 of 2016

For Petitioner : Ms.P.Jessi Jeeva Priya  
For R1 : Mr.P.Thambidurai  
Government Advocate

### **ORDER**

The petitioner is aggrieved by the order of the first respondent dated 02.09.2008 and seeks to quash the same, as the order has been passed without notice of hearing and by virtue of this impugned order, the patta issued in her name has been cancelled and the first respondent had directed the patta to be changed in the name of the father of the third respondent *viz.*, Kandasamy Kudumban. The first respondent has also issued a patta on 19.09.2008 in the name of Kandasamy Kudumban, who had died as early as on 25.01.1979.

2. The petitioner would submit that she had purchased a property comprised in S.Nos.561/5, 561/6, 561/7 and 561/8, measuring a total extent of 7.46 acres in Koothiparai Village, Aruppukottai Taluk, Virudhunagar District, from the third respondent for a valuable consideration. The third respondent traced his title to his father



W.P.(MD) No.22595 of 2016

Kandasamy Kudumban. The properties belonged to the said Kandasamy Kudumban under various sale deeds and patta documents. He had died intestate on 25.01.1979 leaving behind him surviving his three daughters and three sons and the third respondent is one of them. The other two being the sons Veerasekaran and Ramadurai @ Ramanujam, who is the second respondent. There was an oral partition amongst the male heirs of the said Kandasamy Kudumban and Dhanasekaran, the third respondent was allotted the properties in S.Nos.561/5, 561/6, 561/7 and 561/8. Patta was also issued in his individual name bearing No.345. Veerasekaran was allotted a separate patta in Patta No.775 in respect of the lands comprised in S.Nos.339/2B2, 340/1A, 341/2B, 342/5B, 350/1B and 366/3B in Endapuli Village. The second respondent was allotted properties in S.Nos.339/2B3, 340/10, 340/1B, 341/2A, 342/5C, 350/1C and 366/3C in Endapuli Village and granted a separate patta in Patta No. 776. The petitioner would submit that not only did she purchase property from the third respondent, but also from the second respondent. Patta was also mutated in the name of the petitioner. On 10.08.2007, the petitioner had obtained a building permission for constructing a Church.



W.P.(MD) No.22595 of 2016

WEB COPY

3. Seeing the development of the property, the third respondent colluded with the second respondent to extract more money from the petitioner. The records would show that the second respondent, in the month of February, 2008 had filed an application before the first respondent to cancel the patta. By notice dated 02.05.2008, issued to five persons, the first respondent called them for an enquiry on 07.05.2008 in respect of the application given by the second respondent for change of patta. The petitioner was not issued with a notice, nor the first respondent informed the same. The petitioner came to know about the change of patta only when she had filed a suit for bare injunction on the file of the District Munsif Court, Aruppukottai in O.S.No.81 of 2010 as the third respondent was interfering with her possession of the property. The second respondent along with his brothers and sisters have also filed O.S.No.1 of 2012 and the petitioner had come to know about the same at the time of passing of the impugned order.

4. The learned counsel Government Advocate would fairly concede that no notice was issued to the petitioner before passing the impugned order.



W.P.(MD) No.22595 of 2016

WEB COPY

5. In the light of the above discussions and in view of the submission made by the learned Government Advocate, this Writ Petition is allowed, the impugned order dated 02.09.2008 is set aside and the matter is remitted back to the first respondent, who shall after issuing notice to the petitioner, respondents 2 and 3 and other interested parties, if any, pass orders on merits and in accordance with law within a period of eight weeks from the 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,  
Aruppukottai Taluk,  
Virudhunagar District.



WEB COPY



W.P.(MD) No.22595 of 2016

**P.T.ASHA, J.**

abr

**W.P.(MD) No.22595 of 2016**

**Dated: 08.08.2024**