



W.P.(MD) No.96 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.96 of 2016

and

W.M.P(MD)No.76 of 2016

S.Annamalai

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Radhapuram Taluk,
Tirunelveli District.

2.The Zonal Deputy Tahsildar No.2,
Taluk Office,
Radhapuram Taluk,
Tirunelveli District.

3.Joseph D.Nickson

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records pertaining to the impugned notification, vide Na.Ka.A3/RTR/5672/15, dated 25.11.2015 issued by the 2nd respondent and quash the same illegal and arbitrary and unconstitutional.



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For Petitioner : Mr.G.Mariappan
For R1 & R42 : Mr.D.S.Neduncheziyan
Government Advocate
For R3 : Mr.V.Sasikumar

ORDER

The above writ petition has been filed seeking to quash the order passed by the 2nd respondent on 25.11.2015 in Na.Ka.A3/RTR/5672/15.

2. The petitioner would submit that he had purchased the properties which are the subject matter of the writ petition on 01.11.1995 from one Paul Nadar and patta was also mutated in his name in patta no. 5222. While so, the petitioner was served with the impugned notice, dated 15.11.2015 from the 2nd respondent stating that the 3rd respondent had filed an application for cancellation of patta and the 2nd respondent had directed the petitioner to appear before him on 04.12.2015 at 3.00 p.m. The petitioner would submit that his representative had appeared on the said date and requested the 2nd respondent to furnish a copy of the application filed by the 3rd respondent and he had also requested the 2nd respondent not to proceed with the enquiry as the patta had been issued



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by the 1st respondent and the cancellation of the same can only be done by the higher official, namely the Revenue Divisional Officer or the District Collector and the 2nd respondent has no authority to cancel the same. However, the 2nd respondent has refused to entertain the said request, but had supplied the document filed by the 3rd respondent. The petitioner would submit that he apprehends that the 2nd respondent has colluded with the 3rd respondent and is bent on cancelling the petitioner's patta. Therefore, the petitioner has come forward with the writ petition.

3. No counter has been filed by the respondents.

4. Heard the learned counsel on either side.

5. When the matter had come up on 06.01.2016 for admission, this Court was pleased to direct notice of motion returnable by 19.02.2016 and the Court had passed the order of status quo which reads as follows:

“Considering the above said facts, the respondents 1 and 2 are directed to maintain *status quo* as on today till 19.02.2016”.



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6. Thereafter, it appears that by an order, dated 13.03.2017, the 2nd respondent had effected patta transfer in favour of the 3rd respondent. Thereafter, the matter has been listed only in the year 2023. On 11.04.2023, a submission was made by the learned Additional Government Pleader that the process of restoring the patta to the position that it prevailed on the date of institution of the writ petition had been set in motion and therefore, the learned counsel sought time and the matter was posted on 06.06.2023. The learned Government Advocate would produce the proceedings of the Sub Collector, Seranmahadevi, dated 06.06.2023.

7. On the basis of the enquiry notice, the 2nd respondent had proceeded to cancel the patta standing in the name of the petitioner and including the name of the 3rd respondent. This order has been set aside by the Sub Collector by his proceedings, dated 06.06.2023. Therefore, no further orders are required to be passed by this Court. It is not known if the 3rd respondent has challenged the order passed by the Sub Collector on 06.06.2023.



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8. In view of the above, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

14.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Tahsildar,
Taluk Office,
Radhapuram Taluk,
Tirunelveli District.

2.The Zonal Deputy Tahsildar No.2,
Taluk Office,
Radhapuram Taluk,
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P.T.ASHA, J.

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