BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.19967 of 2017
and
W.M.P(MD)No.16243 of 2017

A.Selvi .. Petitioner

Vs.

The District Revenue Officer,
Sivagangai District. .. Respondent

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 of the respondent in Pa.Mu.Pi4/19759/2016, dated 16.03.2017 quash the same and consequently direct the respondent herein to conduct fresh enquiry for transfer of patta in respect of an extent of 33 cents in S.No.82/4, 22 cents in S.No.82/11 and 12 cents in S.No.83/1, situated in Thiruppachethi North Group, Thiruppuvanam Taluk, Sivagangai District.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.B.Saravanan
Additional Government Pleader

ORDER

Seeking to quash the order passed by the respondent, dated 16.03.2017 and to consequently direct the respondent to conduct a fresh enquiry for the transfer of patta in respect of an extent of 33 cents in S.No.82/4, 22 cents in S.No.82/11 and 12 cents in S.No.83/1, situated in Thiruppachethi North Group, Thiruppuvanam Taluk, Sivagangai District.

2. The petitioner's case is that his mother had purchased 33 cents in Survey No.82/4, 22 cents in Survey No.82/11 at Thiruppachethi North Group, Thiruppuvanam Taluk, Sivagangai District from one Samayamuthu under a registered sale deed, dated 15.06.1976 and another extent of 12 cents in Survey No.83/1 in the same village was purchased under a registered sale deed, dated 24.07.1977 from one Selvarajan. The petitioner's mother has been in possession and enjoying the same till her death on 19.12.2007. Thereafter, his brother Karuppiah and herself who had inherited the said properties realised that there was an erroneous entry of names during the UDR patta proceedings. Therefore, she had

sought for transfer of patta in her name and her brother's name for the properties purchased by her mother. The petitioner and her brother had filed W.P(MD)No.9899 of 2016 for correcting the entries and for transfer of patta. By an order, dated 22.09.2016, this Court had directed the respondents to consider the request and pass orders.

3. On 03.11.2016, an enquiry notice was issued by the respondent and the petitioner had appeared in person on 11.11.2016. After which, there was no further progress. However, without giving any opportunity, the respondent has passed the impugned order stating that ever prior to the UDR proceedings, the names of the vendors of the petitioner's mother was not reflected in the patta and consequently, the request for transfer of patta was rejected. The petitioner in her affidavit set out and explained the revenue entries showing the pattadhars and their legal heirs. The petitioner would submit that the conclusion was on account of the fact that there were two Neelamegam Pillai. The petitioner's mother had purchased from Selvarajan S/o Neelamegam Pillai. Since the name Neelamegam Pillai was similar, the legal heirs have been wrongly

entered in the revenue records without holding an enquiry. Had the enquiry been conducted and personal hearing had been given, the petitioner would have clarified the same. Aggrieved by the same, the petitioner is before this Court.

4. The respondent would submit that the contention of the petitioner that since the date of the purchase of the land by his mother, after her death, the petitioner and her brother have been in continuous possession of the property is not correct. Because the said Thangaraj S/o Periyasamy had given a statement that for over a century, an extent of 0.09.00 ares in Survey No.82/11 was in their sole possession. The respondent would also deny the contention that the order was passed without notice to the petitioner.

5. Heard the learned counsel on either side.

6. However, from the affidavit,counter affidavit and the submissions of the learned counsels, it is clearly evident that before the

impugned order was passed, the petitioner was not given a personal enquiry. The respondent has proceeded to pass orders on the basis of the records which admittedly contains incorrect information. Therefore, interest of justice would be subserved, if the impugned order is set aside.

7. In view of the above, the order impugned in the writ petition, dated 16.03.2017 is set aside and the matter is remitted back to the file of the respondent. The respondent shall pass orders after issuing notice to the parties and affording them a personal hearing. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of copy of this order.

8. With the above direction, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

03.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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To

The District Revenue Officer,
Sivagangai District.

W.P.(MD) No.19967 of 2017

03.09.2024