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W.P.(MD)No.27578 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.27578 of 2024

and

W.M.P(MD)Nos.23397 and 23398 of 2024

S.Karuppiah

... Petitioner

Vs.

1.The Zonal Deputy Tahsildar,
Tirumayam Taluk,
Pudukottai District.

2.G.Anandaraj

3.J.Felix Raj,
The Village Administrative Officer,
Thirukottur Village,
Thirumayam Taluk,
Pudukottai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in D.R.No.2024/0103/22/296464TR, dated 10.06.2024 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff

For R1 : Mr.M.Muthumanikkam
Government Advocate



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ORDER

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The writ petition is filed challenging the impugned proceedings of the first respondent, dated 10.06.2024, wherein, patta issued in favour of the petitioner was cancelled and the same was issued in favour of the second respondent.

2. The petitioner as the owner of the property to an extent of 30.25 Ares in S.No.238/2A1 and 11.25 Ares in S.No.260/19A at Thekattur Village, Thirumayam Taluk, Pudukottai District was issued patta in Patta No.4338 on 19.08.2019. While so, the petitioner was shocked to know that the Tahsildar, Tirumayam mutated the patta for the subject properties in favour of the second respondent in Patta No.6238. The petitioner, on enquiry came to know that the application was made by the second respondent on 06.06.2024, and within one working day, the first respondent mutated the patta by the impugned order, on the basis of the report of the third respondent, which was issued on the very day of application. The petitioner therefore filed the above writ petition challenging the patta issued to the second respondent as an abuse of power and also for violation of the principles of natural justice, as no notice was issued to the petitioner before cancelling the patta in his name.



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3. The learned Government Advocate for the first respondent fairly concedes that the patta issued in favour of the second respondent was issued in violation of the procedure contemplated under Section 10 of the Tamil Nadu Patta Passbook Act.

4. In view of the fact that the patta was issued in favour of the second respondent in violation of Section 10 of the Tamil Nadu Patta Passbook Act, the impugned order is set aside and the matter is remitted back to the first respondent for fresh consideration in accordance with Section 10 of the Tamil Nadu Patta Passbook Act, within a period of 12 weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

19.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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N.MALA, J.

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19.11.2024