



W.P.(MD) No.21140 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.21140 of 2017
and
W.M.P.(MD) No.17402 of 2017**

K.Periyasamy

... Petitioner

/vs./

1.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.

2.The Tahsildar,
Iluppur Via,
Pudukkottai District.

3.S.Kannaiyan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings Pa.Ma.C.Ma.14028/2009-T3 dated 27.05.2013 and quash the same as illegal.



W.P.(MD) No.21140 of 2017

WEB COPY

For Petitioner : Mr.V.Selva

For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

For R3 : Mr.C.Maniyarasu

ORDER

The above writ petition has been filed for the issue of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the first respondent in his proceedings in Pa.Ma.C.Ma.14028/2009-T3 dated 27.05.2013 and quash the same as illegal.

2. The case of the petitioner is that the property in Old.S.No.187-1D, New S.No.187-1D1, measuring an extent of 0.30.5 hectares in Kodambarayampatti Village, Iluppur Taluk, Pudukkottai District belonged to the petitioner and his uncle's son, Adaikkan. The property originally belonged to one Subrayalu Naidu, who had 4 sons. They were in possession and enjoyment of the same. One of the sons, namely Jeyachandran had appointed one Kathamuthu, S/o.Sivalingam as power agent. He sold the property to one Mohammed Iqbal under a registered sale deed dated 27.07.2009. The said Mohammed Iqbal had sold the property to the petitioner and Adaikkan under a sale deed dated 03.08.2011, after which the



W.P.(MD) No.21140 of 2017

petitioner and the said Adaikkan were in possession and enjoyment of the property.

3. On 15.11.2016, when the petitioner had visited the second respondent's Office for obtaining computer patta, he was informed that his name had been removed on the basis of the application moved by the third respondent for cancellation of patta before the first respondent on 09.04.2009 and the patta which stood in the name of the petitioner was cancelled on 27.05.2013. The petitioner would submit that without even issuing notice of hearing his objections, the impugned order had been passed. The first respondent was therefore directed to remove the petitioner's name from patta No.841 and include the name of the third respondent. Hence, the writ petition.

4. Heard the learned counsel on either side.

5. Admittedly, no notice had been served on the petitioner, who is a joint patta holder before the patta was cancelled. On this ground alone, namely violation of principles of natural justice, the impugned order has to be set aside



W.P.(MD) No.21140 of 2017

and is accordingly set aside. The patta will be restored back within a period of six weeks from the date of receipt of a copy of this order.

6. In fine, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

29.10.2024

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To

1.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.

2.The Tahsildar,
Iluppur Via,
Pudukkottai District.



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W.P.(MD) No.21140 of 2017

P.T.ASHA, J.

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W.P.(MD) No.21140 of 2017

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