



W.P.(MD)No.27772 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.27772 of 2024

and

W.M.P(MD)No.23573 of 2024

A.Ramakrishnan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.

3.The Revenue Divisional Officer,
Thoothukudi.

4.The Thasildhar,
Thoothukudi Taluk,
Thoothukudi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the online refusal issued by the fourth respondent in No. 2024/0103/28/452280, dated Nil and quash the same and consequently, direct the fourth respondent to issue patta in favour of the petitioner respect to the land



W.P.(MD)No.27772 of 2024

in S.No.359/2A15 to an extent of 54 cents situated at Meelavittan Village,
Thoothukudi Taluk, Thoothukudi District.

For Petitioner : Mr.A.Aruljenifer

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

The writ petition has been filed challenging the impugned notice, dated nil and consequently, directing the fourth respondent to issue patta in favour of the petitioner.

2. With the consent of both parties, the writ petition is taken up for final hearing at the admission stage itself.

3. The property in S.No.359/2A15 to an extent of 54 cents, situate at Meelavittan Village, Thoothukudi Taluk, Thoothukudi District was purchased by the petitioner's wife under registered sale deed, dated 15.07.2020. The petitioner's wife thereafter executed registered settlement deed on 25.10.2022, in favour of the petitioner. While so, the petitioner made an online application on 11.03.2024 to the fourth respondent for issuance of patta in his favour and the fourth respondent without conducting enquiry and scrutinizing documents, rejected the petitioner's application stating that the lands were Government



W.P.(MD)No.27772 of 2024

Poramboke lands. Aggrieved by the same, the petitioner filed the above writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that the impugned order was passed in violation of Section 10 (3)(a) read with Rule 4 of the Tamil Nadu Patta Passbook Act, inasmuch as no notice of enquiry was issued to the petitioner before passing the impugned order. The learned counsel for the petitioner therefore submitted that the impugned order deserved to be set aside.

5. Heard both sides and perused the available materials on record.

6. The impugned order is eight line order and it is clear that the procedure contemplated under Section 10 (3)(a) read with Rule 4 of the Tamil Nadu Patta Passbook Act, has not been followed, before rejecting the petitioner's application and I am therefore of the view that the impugned order cannot be sustained and hence the same is set aside. The matter is remitted to the fourth respondent for fresh consideration. It is needless to state that the fourth respondent shall follow the procedure provided under Section 10 (3)(a) read with Rule 4 of the Tamil Nadu Patta Passbook Act, and pass orders on merits and in accordance with law within a period of 12 weeks, from the date of receipt of a copy of this order.



W.P.(MD)No.27772 of 2024

WEB COPY

7. Accordingly, the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

12.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

- 1.The District Collector,
Thoothukudi,
Thoothukudi District.
- 2.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.
- 3.The Revenue Divisional Officer,
Thoothukudi.
- 4.The Thasildhar,
Thoothukudi Taluk,
Thoothukudi District.



WEB COPY



W.P.(MD)No.27772 of 2024

N.MALA, J.

SN

W.P.(MD)No.27772 of 2024

12.12.2024