



W.P.(MD)No.29370 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.29370 of 2024

and

W.M.P.(MD)No.24790 & 24792 of 2024

Kannuchamy

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Sivagangai Taluk,
Sivagangai District.

2. The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

3. The Zonal Deputy Tahsildhar,
Kalaiyarkovil Taluk,
Sivagangai District.

4. Dhanabalan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 3rd respondent in T.R. 2024/0103/23/ 227412TR dated 25.09.2024 and T.R. 2024/0103/ 23/ 227409TR dated 27.09.2024 and set aside the same as illegal and consequently direct the 1-3 respondents to restore the Patta Nos.527 and 851 in the name of petitioner in respect of properties in



W.P.(MD)No.29370 of 2024

Survey Nos. of 13/2A1 admeasuring 46.75 Ares, 48/ID admeasuring 10.00, 48/2A1, admeasuring 03.50 Ares, 76/4, admeasuring 9.50 Ares, 77/14 admeasuring 21.00 Ares and 82/7 admeasuring 20.00 Ares of Sholavandhan Group and Nos.29/11, to the extent of 14.00 Ares, 39/1, to the extent of 08.50 Ares and 69/2C to the extent of 16.50 Ares of Vettikulam Village, Kalaiyarkovil Taluk, Sivagangai District.

For Petitioner : Mr.R.Balamuruganantham

For Respondents : Mr.A.Kannan (R1 to R3)

Additional Government Pleader

ORDER

Challenging the order dated 25.09.2024 and 27.09.2024 passed by the third respondent, this writ petition is filed.

2. Considering the nature of the order going to be passed in this writ petition, notice to the fourth respondent is dispensed with. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.



W.P.(MD)No.29370 of 2024

4. The subject property was originally owned by the petitioner's father.

After his demise, the petitioner and his siblings have approached for mutation of patta for their respective shares. Patta was also granted in favour of the petitioner in respect of his share by the third respondent. While this being so, on the application made by one Dhanabalan, who is none other than one of his brothers, who has been arrayed as fourth respondent, the patta issued in favour of the petitioner has been cancelled by the third respondent vide orders dated 25.09.2024 and 27.09.2024. Challenging the same, this writ petition is filed.

5. The learned counsel appearing for the petitioner submitted that the impugned orders came to be passed without any jurisdiction and without even issuing any notice to the petitioner and hence, he pressed for quashing the impugned orders.

6. The impugned orders of cancellation of patta issued in favour of the petitioner came to be passed by the Zonal Deputy Tahsildar, who has no jurisdiction at all to cancel the patta already issued that too by himself without putting the petitioner on notice. Hence, there is a clear violation of principles of natural justice.



W.P.(MD)No.29370 of 2024

7. In view of the same, the impugned orders dated 25.09.2024 and 27.09.2024 are hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

8. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

06.12.2024

NCC : Yes / No
Index : Yes / No



W.P.(MD)No.29370 of 2024

WEB COPY

TO:-

1. The Revenue Divisional Officer,
Sivagangai Taluk,
Sivagangai District.
2. The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.
3. The Zonal Deputy Tahsildhar,
Kalaiyarkovil Taluk,
Sivagangai District.



WEB COPY



W.P.(MD)No.29370 of 2024

L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.29370 of 2024

Dated
06.12.2024