



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.12.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)No.29044 OF 2024

Kanniyammal

: Petitioner

.VS.

1.The Revenue Divisional Officer/
Sub-Divisional Collector,
Srirangam,
Trichy District.

2.S.Saminathan

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the first respondent in Mu.Mu.Aa.5-2726-2019, dated 26.2.2020 and to quash the same as illegal.

For Petitioner

:Mr.J.Senthil Kumaraiah

For Respondent-1

:Mr.A.Kannan
Addl.Govt.Pleader

O R D E R

The Petitioner has filed the above Writ Petition seeking for issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the first respondent in Mu.Mu.Aa.



5-2726-2019, dated 26.02.2020 and to quash the same as illegal.

WEB COPY

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the first respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner purchased the property in T.S.No.263/2 measuring an extent of 30 cents situated at Vellithirumutham Village, Srirangam, Trichy District under a sale deed, dated 1.6.2006. Since purchase, the Petitioner was in peaceful possession and enjoyment of the properties. For the said property patta stood in the name of the Petitioner's father in patta No.2281. While so, the Petitioner came to know that at the instance of the second respondent, the first respondent passed the impugned order, dated 26.02.2020 cancelling the patta issued in favour of the Petitioner's father in respect of the subject property. According to the Petitioner, the said impugned order was earlier challenged by one Aarunattu Vellalar Sangam in W.P(MD)No.6044 of 2020 on the ground that no notice was issued to the Petitioner therein. This Court vide order, dated 2.1.2024 on the premise that the Petitioner therein was not put on notice before passing the impugned order, set aside the same with respect to the said Petitioner. The Petitioner states that the Petitioner herein was also not put on



notice by the first respondent, while passing the impugned order and therefore, the aforesaid order squarely applied to the case of the Petitioner. The Petitioner, therefore, prays that the Writ Petition may be allowed.

4.It is seen that earlier Writ Petition was filed by one Aarunattu Vellalar Sangam,, challenging the very same impugned order with respect to the property in S.No.2191/1 to an extent of 4194 sq mts. This Court vide order, dated 2.1.2024 set aside the impugned order on the premise that the Petitioner therein was not put on notice before passing the impugned order. Therefore, this Court set aside the impugned order with respect to the Petitioner therein and remitted the matter to the first respondent for fresh consideration.The Petitioner's property in T.S.No.263.2, to an extent of 1215.5 sq mts, is covered by the very same impugned order. It is further seen that the Petitioner herein was not put on notice by the first respondent, before passing the impugned order cancelling the patta in favour of the Petitioner's vendor. Therefore, I am of the view that the order in the aforesaid Writ Petition squarely applies to the case on hand.

5.The order impugned dated 26.2.2020, passed by the first respondent is hence set aside with respect to the Petitioner's land



in S.NO.263/2, and the matter is remitted back to the first respondent, for considering the matter afresh. The first respondent is directed to give notice of enquiry and thereafter, to 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.

6. The Writ Petition is allowed accordingly. No costs.

12.12.2024

NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn

To

The Revenue Divisional Officer,
Srirangam,
Trichy District.



WEB COPY



5

M.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.29044 of 2024

12.12.2024