



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.1758 OF 2025

and

W.M.P(MD)Nos.1253 and 1254 of 2025

P.Sundari

:Petitioner

.VS.

1.The District Revenue Officer,
Office of the Collectorate Madurai,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Peraiyur Taluk office,
Madurai District.

4.Perumal

: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 Ni.Mu.No.E849907/2023/G5, dated 19.12.2024 and to quash the same as illegal.

For Petitioner

:Mr.J.Senthil Kumaraiah



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For Respondents
1 to 3

:Mr.A.Kannan
Addl.Govt.Pleader

ORDER

This Writ Petition is filed for a Writ of Certiorari to quash the impugned order passed by the first respondent in Ni.Mu.No.E849907/2023/G5, dated 19.12.2024.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner purchased a portion of the property to an extent of 1.88 acre in S.No.145/8 under registered sale deed, dated 15.7.2011, from one RadhakrishnaKumari and her son Senthoorapandian. Thereafter the Petitioner's portion was subdivided as S.No.145/8A2, patta was also issued in favour of the Petitioner and the Petitioner was in peaceful possession and enjoyment by cultivating paddy for more than 13 years. While so, the Petitioner was given to understand that the patta issued in her favour was cancelled at the instance of the fourth respondent by the first respondent vide impugned order. The Petitioner, therefore, filed the above Writ Petition for the aforesaid relief.



4.The learned counsel for the Petitioner submitted that the impugned order is liable to be set aside on the short ground of violation of principles of natural justice inasmuch as no opportunity of hearing was given to the petitioner before cancelling the patta which stood in her favour. The learned counsel for the Petitioner referring to the impugned order submitted that a bare reading of the impugned order would show that no notice was sent to the Petitioner and therefore, the impugned order was liable to be set aside.

5.I have heard the submissions made by the learned counsel appearing on either side and perused the records.

6.As rightly contended by the learned counsel for the Petitioner, patta issued to the Petitioner in patta No.847, for the lands in S.No.145/8A2, to an extent 0.76.15 hectares, was cancelled by the first respondent by the impugned order. From the impugned order, it is seen that notice was sent to other similarly placed persons and reference is also made to the acknowledgments received. There is no reference of any notice to the Petitioner. It is therefore clear that the Petitioner was neither issued notice of enquiry nor given an opportunity of hearing in the impugned proceedings. Hence there is clear violation of principles



of natural justice insofar as the Petitioner is concerned. Therefore the impugned order is set aside on the said short ground and the matter is remitted to the first respondent for fresh consideration insofar as the petitioner alone is concerned. The first respondent shall issue notice to the Petitioner as well as interested persons, consider the objections filed by them, if any. Afford an opportunity of hearing to the Petitioner and interested persons and thereafter 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.

7.The Writ Petition is accordingly allowed. There is no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

23.01.2025

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

vsn

To

- 1.The District Revenue Officer,
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- 2.The Revenue Divisional Officer,
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Madurai District.
- 3.The Tahsildar,



Peraiyur Taluk office,
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N.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.1758 OF 2025
and
W.M.P(MD)Nos.1253 and
1254 of 2025

23.01.2025