



W.P.(MD) No.4052 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.4052 of 2025

and

W.M.P(MD)Nos.2908 and 2909 of 2025

R.Kesavan

... Petitioner

vs.

1.The Zonal Deputy Tahsildar,
Gandharvakottai Taluk,
Pudukottai.

2.Selvaraj
3.Kandasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in D.R.2016/0103/22/012692TR dated 01.10.2016 of the first respondent and quash the same and consequently direct the first respondent to restore the patta in the name of the petitioner within the time fixed by this Court.

For Petitioner : Mr.K.K.Udayakumar

For Respondents : Mrs.K.Malathi

Additional Government Pleader for R1



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ORDER

The petitioner challenges the order of the first respondent dated 01.10.2016 in D.R.2016/0103/22/012692TR mutating the patta in the name of one Kandasamy after cancelling the patta which stood in the name of the petitioner and his brothers.

2.Considering the limited scope of the relief sought for in the writ petition, with the consent of the learned counsel on either side, the writ petition is taken up for final disposal at the stage of admission itself.

3.On perusal of the impugned order, it is seen that without notice to the writ petitioner or the other pattadhars, the first respondent has proceeded to mutate the father of the respondents 2 and 3, namely, Kulanthai Ambalam @ Kuzhandhaiyan. It is the specific case of the petitioner that even as early as on 21.01.1963, the petitioner's father has purchased the subject lands from the father of the respondents 2 and 3 in and by way of a registered sale deed and only thereafter, the patta was mutated in the name of the petitioner and his brothers. While so when the patta stood in the name of the petitioner and his brothers,



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which is reflected even in the impugned proceedings dated 01.10.2016, the first respondent clearly fell in error in ordering the mutation of the name of Kulanthai Ambalam @ Kuzhandhaiyan in the place of the petitioner and his brothers, especially without giving any opportunity to the petitioner and his brothers to contest the claim of one Kandasamy, vide application dated 28.09.2016. Though this impugned order came to be passed even in 2016, the specific contention of the petitioner is that only when the property was to be settled by the petitioner in favour of his wife, the said mutation came to light and immediately, the challenge has been made. The said reasons for the delay appears to be satisfactory and hence, delay cannot be put against the petitioner.

4.In view of the fact that there has been violation of principles of natural justice by not affording an opportunity to the petitioner or his brothers before removing their names from the patta, the writ petition has to be necessarily allowed and the impugned order is set aside and the first respondent being the competent authority, the matter is remitted to the first respondent to fix a date for enquiry and after issuing notice to the petitioner and his brothers as well as to the third respondent, shall conduct an enquiry and pass orders on merits on the merits of the rival submissions/contentions made by the parties. The said exercise shall



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5.Accordingly, this Writ Petition is allowed on the above terms. No costs.
Consequently, connected miscellaneous petitions are closed.

14.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

The Zonal Deputy Tahsildar,
Gandharvakottai Taluk,
Pudukottai.



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P.B.BALAJI, J.

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