



W.P.(MD)No.4465 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

CORAM:

THE HON'BLE MR.JUSTICE P.B. BALAJI

W.P.(MD).No.4465 of 2025

and

W.M.P.(MD).Nos.3203 and 3205 of 2025

M.Jainful Arab

... Petitioner

Vs.

1. The District Collector,
Sivagangai,
Sivagangai District.
2. The District Revenue Officer,
Sivagangai,
Sivagangai District.
3. The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Sivagangai,
Sivagangai District.
4. The Tahsildar,
O/o. the Tahsildar Office,
Thirupuvanam,
Sivagangai District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned transfer of patta passed by the 4th Respondent in his proceedings in μ . μ ra.2024/23/14/000376SD dated 29.04.2024 and quash the same as illegal and consequently to direct the 4th Respondent to restore the patta in favour of the petitioner in the light of final decree dated 23.01.2024 in O.S.No.776 of 2013 on the file of the 2nd Additional Sub Judge, Madurai.

For Petitioner : Mr.V.Karthik Raja
for M/s.Ajmal Associates

For R1 to R3 : Mr.C.Satheesh
Government Advocate

ORDER

Mr.C.Satheesh, learned Government Advocate takes notice on behalf of the respondents.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.



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3. The petitioner challenges the impugned transfer of patta proceedings on the file of the 4th respondent dated 29.04.2024. The main grievance of the petitioner is that the patta which stood in the name of the petitioner has been cancelled and subsequently mutated in the names of Sulthan Syed and others.

4. The grievance of the petitioner is that though there was a decree in favour of the said pattadhars in whose name the patta has been mutated in O.S.No.774 of 2013 on the file of the II Additional Sub Judge, Madurai, subsequently, the said decree was set aside and suit itself came to be dismissed for non-prosecution on 21.04.2023.

5. In any event, the fact remains that the petitioner was not put on notice about the cancellation of his patta and mutation in the name of the above persons namely Sulthan Syed and others.



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6. I have perused the impugned order dated 29.04.2024 and the same clearly indicates that the said order came to be passed without any notice to the petitioner, who was certainly an interested party. In fact it is also noticed that the petitioner has been able to obtain a copy of the said order after making an application under the RTI. Therefore, it is clear case of the petitioner's rights being infringed without giving an opportunity of contesting the application of the third parties, namely Sulthan Syed and others.

7. In view of the above, impugned order dated 29.04.2024 deserves to be set aside and the matter is remitted to the 4th respondent to inquire into the matter afresh, after giving an opportunity of personal hearing to the petitioner as well as Sulthan Syed and others and pass a considerable order in accordance with law. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.



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8. The writ petition is allowed with the above observations and directions. No costs. Consequently, connected miscellaneous petitions are closed.

19.02.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

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P.B.BALAJI, J.

rgm

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