



W.P.(MD)No.4653 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.4653 of 2025

Paramasivam

.... Petitioner

/Vs./

1.The Revenue Divisional Officer,
Manapparai Taluk,
Trichy District.

2.The Tahsildar,
Manapparai Taluk,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.A2/5318/2024 dated 09.12.2024 passed by the second respondent and quash the same as illegal and consequently directing to the respondents to cancel the Patta No.257 and issue Separate Patta to the petitioner's mother name M/s.Meenatchi, wife of Vellaiya Nayakkar in respect of properties in S.No.97 to extent of 0.01.0 Hector respectively situated in Sampatti



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Village, Manapparai Taluk, Trichy District in the light of the Assignment Patta Vide Ma.A.No.529/1405 (Aa3) Dated on 13.11.1995 within the period that may be stipulated by this Court.

For Petitioner : Mr.V.C.Vellarasu Chezhiyan
For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner filed the instant writ petition challenging the impugned order passed second respondent on 09.12.2024.

2. Considering the limited scope of the prayer sought for in this writ petition, with the consent of the parties, the writ petition itself is taken up for final disposal.

3. The petitioner claims to be a son of Meenakshi, wife of Vellaiya Nayakkar and that the petitioner's mother was owning the lands in survey No.97 classified as New survey No.311/10; noticing that patta was mutated in the name of one Mamundi, S/o.Ponna Nayakkar in patta No.257, the petitioner approached the respondents for cancellation of



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said patta and issue patta to the petitioner's mother Meenakshi, S/o.Vellaiya Nayakkar. Since no steps were taken on the petitioner's, representation, the petitioner moved this Court in W.P(MD)No.15927 of 2024. This Court by an order dated 18.07.2024 directed the first respondent to pass orders within a period of twelve weeks, in accordance with law.

4. The grievance of the petitioner is that despite the order passed by this Court on 18.07.2024, without giving an opportunity to the petitioner and without conducting any enquiry, the second respondent has passed the impugned order.

5. I have heard the learned counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondents.

6. As rightly pointed out by Mr.S.Kameswaran, learned Government Advocate that, in the order of this Court dated 18.07.2024 the first respondent was directed to pass orders. However, the impugned



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order has been passed by the second respondent, which is clearly without jurisdiction and in violation of the order of this Court. Secondly, Mr.S.Kameswaran, learned Government Advocate would point out that the petitioner claims to be a son of Vellaiya Nayakkar, however assignment order has been issued in the name of Meenakshi, W/o.Vellaiya Nayakkar and he would therefore, submit that the petitioner has to first and foremost satisfy his legal status and entitlement to claim the relief in the writ petition. Further, the learned Government Advocate appearing for the respondents would submit that though the person in whose name Patta stands, namely one Meenakshi, is not alive and she is distant relatives as per Clause 3 legal heirs and hence, the orders would have to be passed only after enquiry since patta has already been mutated in the name of Mamundi.

7. In view of the above, following order is passed:-

(i) The writ petition is allowed setting aside the order dated 09.12.2024 impugned in the present writ petition.



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(ii) The first respondent shall conduct an enquiry and pass orders on the petitioner's application for cancellation of Patta No.257 in the name of Mamundi; it is also incumbent on the petitioner to satisfy his relationship to Meenakshi, wife of Vellaiya Nayakkar by producing satisfactory documentary evidence.

(iii) The first respondent shall enquire into the matter and pass orders on merits, in accordance with law after affording an opportunity to the petitioner as well as the clause 3 legal heirs of Mamundi. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
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