



W.P.(MD)No.5723 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.5723 of 2025

Vijaya

... Petitioner

Vs

The Tahsildar,
Dindigul East Taluk,
Dindigul District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent herein in Na.Ka.No. 3411/2024/F dated 18.11.2024 and quash the same as illegal and consequently direct the respondent to conduct enquiry as per section 10(3) of the Tamil Nadu patta Pass Book Act, 1983 and to issue patta in the name of the petitioner for the property situated in Survey No.26 (old S.No.1956/2) measuring about 716 Square meter and Survey No.29/1 (Old S.No.1955/2) measuring about 4207.8 Square meter situated at Nagal Nayakkampatti, Balakrishnapuram, Ward 6, Adiyanoothu, Dindigul East Taluk, Dindigul District.



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For Petitioner : Mr.S.Sarvagan Prabhu

For Respondent : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner challenges the impugned order passed by the respondent on 18.11.2024.

2.Considering the limited scope of the relief sought for by the petitioner, with the consent of learned counsel on either sides, this writ petition is taken up for final disposal.

3.The grievance of the petitioner is that without giving an opportunity to the petitioner and without even providing the copies of documents, on which, the reliance is placed on by the respondent especially, the documents in OS No.286 of 2015 on the file of Sub Court, Dindigul, the respondent has proceeded to reject the petitioner's application for issuance of patta.



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4.Heard the learned counsel on either side and perused the materials available on record.

5.On going through the impugned order, I find that the respondent has proceeded to reject the petitioner's application seeking patta without giving an opportunity to the petitioner. The respondent has cited the pendency of OS No.286 of 2015 as the reason for rejecting the petitioner's request for patta. It is not even discussed, as to who has filed the suit and whether the petitioner is a party in the said litigation and what bearing the suit has on the patta proceedings. Therefore, the impugned order is clearly unsustainable in the eye of law.

6.In view of the above, this writ petition is allowed and the impugned order, dated 18.11.2024 is set aside and the matter is remitted to the respondent for hearing the petitioner afresh and after giving an opportunity by way of personal hearing to the petitioner to meet all the contentions including the pendency of OS No.286 of 2015. Thereafter, the respondent shall pass considered orders on merits and in accordance



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with law, within a period of twelve weeks from the date of receipt of copy of this order. No costs.

NCC : Yes / No
Index : Yes / No
PNM

04.03.2025

TO:-
The Tahsildar,
Dindigul East Taluk,
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P.B. BALAJI, J.

PNM

ORDER IN
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