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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : **24.04.2025**

Delivered on : **30.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.11565 of 2025
and
W.M.P.(MD)No.8567 of 2025

B.Murugeshwari Sargunan ... Petitioner

/Vs./

1. The Commissioner of Land Reforms,
   Ezhilagam, Chepauk,
   Chennai - 600 005.
2. The District Collector
   Madurai District,
   Madurai.
3. The Revenue Divisional Officer,
   Madurai East Division,
   Melur Taluk,
   Narasingampatti,
   Melur, Madurai.

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4. The Tahsildar
Madurai East Taluk,
Madurai District.

5. Kathakinaru Panchayat
Kathakinaru, Alagarkovil Road,
Madurai - 104, Through its President.

6. Thiyagarajan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 and 4 to restore the patta as it stood originally which was cancelled without notice to the Petitioner by proceedings dated 13.05.2024 within a time frame to be fixed by this Court.

For Petitioner : Mr.TSR.Venkat Ramana
Senior Counsel
for Mrs.V.Janaki Devi

For Respondents : Mr.S.Jeyapriya
Government Advocate for R1-4

: Mr.A.Baskaran
Additional Government Pleader for R5

ORDER

The petitioner seeks issuance of a writ of mandamus, to direct the respondents 3 and 4 to restore the patta as it stood originally and which

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was cancelled without notice to the petitioner, by proceedings dated 13.05.2024.

2. I have heard Mr.TSR.Venkat Ramana, learned Senior Counsel for the petitioner, Mr.S.Jeyapriya, learned Government Advocate for the respondents 1 to 4 and Mr.A.Baskaran, learned Additional Government Pleader for the fifth respondent.

3. The learned Senior Counsel would straight away contend that the relief sought for in the writ petition is squarely covered by my order in W.P.(MD)No.20483 of 2024, dated 19.03.2025. The case of the writ petitioner is that that petitioner owns a plot in “Aayira Vaisiyar Nagar”, Kathakinaru Village and Panchayat, Alagarkovil Road, Madurai. The lay out was formed after obtaining necessary approval from the local body. The lands were originally belonging to Madurai Dhiraviyam Thayumanasamy family and during land reform proceedings under Tamil Nadu Act 58 of 1961, the subject lands were declared as surplus lands at the hands of the said family and taken over by the Government. Thereafter, by the deed of assignment dated 09.06.1986, the properties

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were distributed to Parameswari, Vellachiammal, Rajendran and Chittammal for consideration. The four assignees paid the respective sale price and the property assigned was in their favour. The Tahsildar / fourth respondent has also given no due certificate to various purchasers of the land.

4. The said four assignees had appointed power of attorney to form a lay out comprising of house plots and after obtaining permission from the authorities, plots were sold right from 1990 onwards. The petitioner is one of the purchasers of such lay out under the registered sale deed for valid consideration.

5. While matters stood there, the sixth respondent claiming under the Madurai Dhiraviyam Thayumanasamy family filed a writ petition in W.P.(MD)No.22662 of 2022, claiming that his wife Shanmugavadivu was the owner and was in possession of the subject property. The writ petition was allowed, directing the authorities to consider his representation for cancellation of assignments and to issue patta to the petitioner. The said Writ Petition came to be allowed on 22.11.2022. Subsequent to which,

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the revenue officials came to measure the property at which point of time, the petitioner came to know about the various developments in the matter. Immediately, the petitioner has given an objection on 09.11.2023 to the third respondent, viz., Revenue Divisional Officer. However, the fourth respondent proceeded to cancel the petitioner's patta, without any notice or enquiry being conducted. According to the learned Senior Counsel, the said exercise is clear violation of principles of natural justice. He would further contend that the assignment was not gratis, but for consideration and therefore, the same is covered by Sections 10 and 11 of the Transfer of Property Act, 1882. He would further contend that the Association comprising owners of various plots as members filed a writ petition in W.P.(MD)No.20810 of 2024. In fact, in and by an order dated 28.03.2025, I dismissed the said writ petition on the ground that the Association cannot maintain a writ petition. Now, in his individual capacity, the petitioner as one of the plot owners, has filed the present writ petition, seeking direction to restore the patta in the name of the petitioner.

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6. The learned Senior Counsel would also invite my attention to the partition deed dated 02.04.1970 in and whereby the sixth respondent's wife was not even allotted the subject property and on the contrary, the said partition deed was acknowledged the factum of land ceiling, which too has not been questioned till date.

7. In fact, I have elaborately dealt with the power of the authorities to cancel the assignment belatedly in W.P.(MD)No.20483 of 2024 and ultimately, I have set aside the order of the Revenue Divisional Officer, Melur, vide proceedings dated 21.07.2023 as well as the consequential proceedings dated 11.07.2024. The facts that were placed and argued before me in the said case are identical to the facts involved in the present case, which also pertains to the very same assignments in favour of Vellachiammal and three others. Further, in the present case, admittedly, it is seen that the patta was issued in favour of the petitioner and without any notice to the petitioner or conducting any enquiry, the Zonal Deputy Tahsildar, in and by proceedings dated 13.05.2024, has classified the lands as “surplus land (உபரி நிலம்)”. Admittedly, no opportunity has

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been given to the petitioner before such classification as the petitioner's patta lands.

8. In the light of the above, this Writ Petition is disposed of, directing the fourth respondent to hear the petitioner and also the sixth respondent and also taking note of the order in W.P.(MD)No.20483 of 2024 dated 19.03.2025, shall pass final orders regarding restoration of patta in the name of the petitioner. The said exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
NCC : Yes / No
LS

30.04.2025

TO:-

1. The Commissioner of Land Reforms,
Ezhilagam,
Chepauk,
Chennai - 600 005.

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2. The District Collector
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Madurai.
3. The Revenue Divisional Officer,
Madurai East Division,
Melur Taluk,
Narasingampatti,
Melur, Madurai.
4. The Tahsildar
Madurai East Taluk,
Madurai District.
5. The President,
Kathakinaru Panchayat
Kathakinaru,
Alagarkovil Road,
Madurai – 104.

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P.B. BALAJI, J.

LS

Pre-delivery Order made in
W.P.(MD)No.11565 of 2025

Dated:
30.04.2025

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