



W.P.(MD)No.11082 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM

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

W.P.(MD)No.11082 of 2025

and

W.M.P.(MD)No.8248 of 2025

S.Kannappan

Represented by Power of Attorney

Valliammai Karuppiyah

: Petitioner

Vs.

1.The Tahsildar (South),

Madurai,

Madurai District.

2.Reliance BP Mobility Limited,

Rep. by its Area Manager,

Operating it petrol retail at

137, Kamarajar Salai,

Madurai – 625 020.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings 2025/0154/24/000139dated 18.03.2025 issued by the first



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respondent, quash the same and further direct the first respondent to issue patta in the name of the petitioner for the land admeasuring to an extent of 40 cents and 21 sq.ft in Foor No.137, Kamarajar Salai, Madurai – 625 020 in Town Survey No.100/1, Madurai (South), Madurai.

For Petitioner : Mr.T.Cibichakraborty

For Respondent No.1 : Mr.B.Saravanan

Additional Government Pleader

ORDER

The petitioner challenges the order of the first respondent dated 18.03.2025.

2.Heard the learned Counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the first respondent.

3.The primordial challenge to the order impugned in the writ petition is that the rejection order passed by the first respondent was without proper enquiry conducted.

4.I find from the impugned order that the first respondent has not considered any documents excepting for rendering a remark that



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the petitioner is not in possession and enjoyment in the field. The Patta Pass Book Act mandates a fair opportunity to be given to the applicant who seeks issuance of patta.

5.It is the specific grievance of the petitioner that the though Town Surveyor came to the site for inspection on 21.02.2025, no inspection was carried by the surveyor and none of the documents produced by the petitioner were looked into. Learned Counsel for the petitioner would also invite my attention to the application made by the petitioner on 07.01.2025 and it is seen from the impugned order that the first respondent has relied on the report of the surveyor dated 07.01.2025, which is the very same date on which the application was made by the writ petitioner. Further as rightly pointed out by the learned Counsel for the petitioner, the surveyor himself has issued a notice only on 18.02.2025, proposing the inspection on 21.02.2025. Therefore, the reference of the surveyor's report dated 07.01.2025, in the impugned order cannot be substantiated. Therefore, the impugned order does not stand the scrutiny of law and it is liable to be set aside.

6.Accordingly, the impugned order is set aside and remitted to the first respondent for fresh consideration of the petitioner's application, after giving a fair and reasonable



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opportunity to the petitioner and the first respondent shall pass on merits and in accordance with law, after considering all the documents furnished by the petitioner and after carrying out a proper inspection by the Town Surveyor. The said exercise shall be carried out within a period of twelve [12] weeks from the date of receipt of a copy of this order. If need be, the first respondent shall take the assistance of the jurisdictional police force to ensure peaceful survey.

7.The Writ Petition stands allowed, accordingly. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

22.04.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To
The Tahsildar (South),
Madurai,
Madurai District.



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P.B.BALAJI., J.

MR

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