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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2025

CORAM

THE HON'BLE MR.JUSTICE S.SOUNTHAR

W.P.(MD)No.12053 of 2021
and
W.M.P(MD)Nos.9496 & 13404 of 2021

K.Muthuvelu

... Petitioner

Vs

1.The Tahsildar,
Kariyapatti Taluk, Virudhunagar District.

2.Karuppasamy

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus** calling for records relating to the impugned proceedings of the 1st respondent in T.R.No.2021/26/08/000412SD, dated 21.06.2021, thereby subdividing the property as 135/1A1 and 137/1G1A measuring about 0.19.14 ares situated at Aaviyur Village, Kariyapatti Taluk, Virudhunagar District, and issued patta bearing Patta No.3203, in favour of the 2nd respondent and his deceased brother Murthy unilaterally cancelling the patta standing in the name of the petitioner behind their back without notice pending the objections before him as well as the Civil Suits in O.S.No.27/2003, and 113 of 2016 on the file of District Munsif Court, Aruppukottai, and quash the same and consequently restore the patta in the name of the petitioner's family members within a time frame as fixed by this Court.



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For Petitioner : M/s.B.Prahalad Ravi

For Respondents : Mr.M.Gangatharan
Government Advocate for R1
Mr.S.Stevenson for
M/s.T.Lajapathi Roy Associates for R2

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ORDER

This Writ Petition is filed challenging the order passed by the first respondent effecting sub division in respect of the property without notice to the petitioner.

2.Heard the learned counsel appearing for the petitioner, Mr.M.Gangatharan, learned Government Advocate appearing for R1 and the learned Counsel Mr.S.Stevenson for M/s.T.Lajapathi Roy Associates appearing for R2.

3.According to the learned Counsel appearing for the petitioner, the land situated in S.No.135/1A, to an extent of 13.50 ares and the land situated in S.No.137/1G1, to an extent of 24.78 ares, originally stood in the name of the petitioner K.Muthuvelu, 7 others and the family members of the petitioner. By impugned order, the above mentioned survey numbers were sub divided and patta was issued in the name of the second respondent and his brother Murthy,



without issuing notice to the petitioner. The learned Counsel appearing for the petitioner would submit that the impugned order is violative of the principles of natural justice and therefore, the same is liable to be set aside.

4.The learned Government Advocate appearing for the first respondent would fairly submit that the impugned order was passed without hearing the petitioner.

5.Though the impugned order was passed in favour of the second respondent and also his brother Murthy, from the averments found in the affidavit, the above said Murthy died as early as in the year 2017. The learned Counsel for the petitioner would submit that the said Murthy died without any class I heirs and no steps have been taken to bring his legal heirs on record since, the class II heir, namely, the second respondent was already on record.

6.In view of the above statement made by the learned Government Advocate appearing for the first respondent, the impugned order was passed without hearing the petitioner, this Court has no hesitation in setting aside the same.



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7. Accordingly, this Writ Petition stands allowed and the matter is remitted back to the file of the first respondent with a direction to consider the claim made by the second respondent afresh after issuing notice to the petitioner, the second respondent and other co-pattadars and pass final orders within a period of 12(twelve) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petitions are also closed.

18.08.2025

1/2

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

The Tahsildar,
Kariyapatti Taluk, Virudhunagar District.



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S.SOUNTHAR, J.

RJR

W.P.(MD)No.12053 of 2021

18.08.2025

1/2