



WMP(MD) No.12032 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Twenty Sixth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD) No.12032 of 2024

IN

WP(MD) No.13659 of 2024

B.ASHOK PRADEEP

... PETITIONER/PETITIONER

Vs

1 THE DISTRICT COLLECTOR
THE DISTRICT COLLECTOR CAMPUS,
VIRUDHUNAGAR

2 THE ASSISTANT DIRECTOR OF SURVEY AND LAND RECORDS,
KOORAIKUNDU,
VIRUDHUNAGAR 626 002,
VIRUDHUNAGAR DISTRICT.

3 THE THASILDAR
TALUK OFFICE,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.

4 THE TALUK SURVEYOR
TALUK OFFICE,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.

5 S.KRISHNAMMAL

... RESPONDENTS/RESPONDENTS



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Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of stay of all further proceedings pursuant to the impugned notice Na.Ka.A2/1/101/2024 dated 06.06.2024 issued by the 3rd respondent herein pending disposal of the above writ petition and thus render justice.

Prayer in WP(MD). 13659/ 2024 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned notice Na.Ka.A2/1/101/2024 dated 06.06.2024 issued by the 3rd respondent herein and quash the same

ORDER : This Writ Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.VIJAYARATHINAM.M, Advocate for the petitioner and of Mr.P.THAMBIDURAI, Government Advocate on behalf of the Respondents 1 TO 4 while admitting the Writ Petition.,, the Court made the following order:-

The fifth respondent herein filed W.P(MD)No.4749 of 2024 for issuance of patta in her name. The writ petition was disposed of by me on 29.02.2024 in the following terms:

"2.The petitioner seeks patta on the strength of sale deed. Copy of the vendor's patta has not been enclosed in the typed set of papers. I am therefore not in a position to issue any positive direction in favour of the petitioner.

3.The second respondent is directed to conduct enquiry in the matter and dispose of the petitioner's application on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



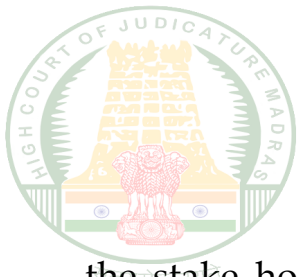
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*The second respondent shall put on notice all interested parties before passing final order. I
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make it clear that I have not gone into the merits of the matter."*

Pursuant to the direction given by this Court, the Tahsildar, Sivakasi issued enquiry notice dated 06.06.2024 to the petitioner's father. It is stated that the patta is presently standing in the name of the petitioner and that earlier pattadhar was Balasubramanian his father.

2.The learned counsel appearing for the petitioner would point out that when patta is standing in the name of the petitioner, patta can be issued in favour of the fifth respondent only after its cancellation. Such cancellation can be done only by the Revenue Divisional Officer. There is considerable merit in the contention of the learned counsel appearing for the petitioner that the impugned proceedings are without jurisdiction. I also find considerable merits in the contention that the fifth respondent had obtained an order from this Court without impleading the petitioner herein.

3.Of course, the order passed by this Court has in a sense protected the petitioner's right because I had specifically mandated that notice should be given to



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the stake holders before passing any final order. *Prima facie* I find that the fifth
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respondent had indulged in a suppression of material facts.

4. There shall be an order of interim stay.

5. Notice.

sd/-
26/06/2024

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/07/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MGA
TO

1 THE DISTRICT COLLECTOR
THE DISTRICT COLLECTOR CAMPUS,
VIRUDHUNAGAR

2 THE ASSISTANT DIRECTOR OF SURVEY AND LAND RECORDS,
KOORAIKUNDU,
VIRUDHUNAGAR 626 002,
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SIVAKASI,
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TALUK OFFICE,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.



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+1 CC to M/s.M.VIJAYARATHINAM, Advocate (SR-7004[I] dated 26/06/2024)

ORDER
IN
WMP(MD) No.12032 of 2024
IN
WP(MD) No.13659 of 2024
Date :26/06/2024

SS/GS/SAR- /02/07/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023