



W.P.(MD)No.13852 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.13852 of 2023

and

W.M.P(MD)Nos.11696 & 11698 of 2023

- 1.Ismayil
- 2.Avuliyamaideen
- 3.Abdul Ushen
- 4.Maguthammal

... Petitioners

/Vs./

- 1.The District Collector,
Tenkasi District.
- 2.The Revenue Divisional Officer,
Tenkasi Division,
Tenkasi District.
- 3.The Tahsildar,
Veerakeralampudur,
Tenkasi District.
- 4.Thirumalaisamy
- 5.Ismayil
- 6.Avuliyamaideen

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in



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Ni.Mu.A4/2341/2017 dated 08.08.2022 on the file of the second respondent the Revenue Divisional Officer, Tenkasi and quash the same and consequently direct the respondents 1 to 3 to issue a patta in favour of the writ petitioners or bring existing position.

For Petitioners	: Mr.J.Gunaseelan Muthiah
For R1 to R3	: Mr.B.Saravanan Additional Government Pleader
For R4	: No appearance

ORDER

The petitioner challenges the impugned order of the second respondent, the Revenue Divisional Officer, Tenkasi, dated 08.08.2022.

2. Besides several other contentions, the primordial contention of the learned counsel for the petitioner is that the impugned order came to be passed without any notice to the petitioners.

3. I have gone through the impugned order dated 08.08.2022. I have heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the official respondents 1 to 3.



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4. The learned Additional Government Pleader appearing for the official respondents would submit that the petitioners had obtained patta in their name without proper mutation order and therefore, only after conducting an enquiry, impugned order came to be passed.

5. Be that as it may, admittedly, the petitioners' names have been mutated in the patta. It is a fundamental requirement to put them on notice before passing any orders, especially cancelling the patta. The impugned order does not disclose such opportunity having been given to the petitioners. Therefore, on this limited ground, the impugned order is set aside and the matter is remitted to the second respondent to decide the matter afresh, after affording an opportunity to the petitioners as well as the respondents 4 to 6 and pass orders in accordance with law, on its own merits, within a period of eight weeks from the date of receipt of a copy of this order.

6. In view of the above, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.13852 of 2023

Dated:
06.03.2025