



W.P.(MD)No.18699 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.08.2025

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

W.P.(MD).No.18699 of 2025

and

W.M.P(MD)Nos.14333, 14334 & 14337 of 2025

M.Jelestin

... Petitioner

Vs.

1. The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.
 2. The President,
Rev.Sunil,
St.Fathima Church, Kallukootam Post,
Kanyakumari District.
 3. The Zonal Deputy Tahsildar,
kalkulam Taluk,
Thuckalay,
Kanyakumari District
(R3 is impleaded vide order dated 14.08.2025 in
W.M.P(MD)No.17394 of 2025 in W.P(MD)No.18699 of 2025
by S.S.,J.)
- ... Respondents



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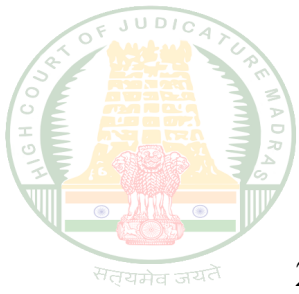
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 3rd respondent in D.R:2023/0103/30/625115TR dated 08.01.2024 and quash the same and consequently direct the 3rd respondent to restore the Patta in its original position in respect of S.No.355/6.

(Prayer amended vide order dated 14.08.2025 in W.M.P(MD)No.17562 of 2025 in W.P(MD)No.18699 of 2025 by S.S.,J.)

For Petitioner	: Mr.M.Subbaiah
For R1 and R3	: Mr.A.Baskaran Additional Government Pleader
For R2	: M/s.Vijaya Shanthi

ORDER

The writ petition is filed challenging the order passed by the respondent dated 08.01.2024 including the name of the 2nd respondent in the patta for the subject property without issuing notice to the petitioner who is a joint patta holder.



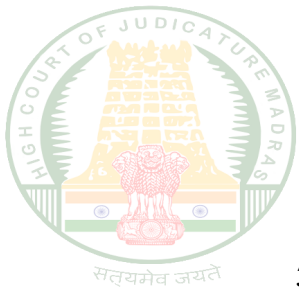
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2. According to the petitioner, 12 cents of land in S.No.335/6 at Kallukootaam Town Panchayat, Kallukootaam Village, Kalukulam Taluk, Colachel, Kanyakumari District in Kalu Town Panchayat originally belongs to his grandfather namely Sabarimuthu. After his demise, the petitioner's father namely Maria Sebastian enjoyed the property. The petitioner's father executed a Sale Deed in favour of the petitioner and his brothers on 29.12.2017. Since, then the petitioner and his brothers were jointly in possession and enjoyment of the subject property and the patta for the subject property also stands in their name jointly in Patta No. 7757.

3. In such circumstances, the impugned order was passed by the 3rd respondent including the name of the 2nd respondent in the revenue patta without notice to the petitioner. Hence, the petitioner has come before this Court with the above mentioned prayer.

4. The learned counsel appearing for the petitioner would submit that the impugned order has been passed without hearing the petitioner and hence, the same is vitiated by violation of principles of natural justice.



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5. The learned Additional Government Pleader appearing for the respondents 1 and 3 on instructions from the official respondents would fairly submit that the impugned order was passed without hearing the petitioner.

6. In view of the said submission made by the learned Additional Government Pleader appearing for the respondents 1 and 3, the impugned order dated 08.01.2024 is liable to be set aside. Accordingly, the impugned order dated 08.01.2024 stands quashed and the matter is remitted back to the file of the 3rd respondent with a direction to consider the application submitted by the 2nd respondent and pass final orders within a period of twelve (12) weeks from the date of receipt of a copy of this order, after affording reasonable opportunity to the petitioner, co-pattadhars and other interested parties.

7. The writ petition stands allowed with the above observations and directions. No costs. Consequently, connected miscellaneous petitions are closed.

14.08.2025
(3/4)

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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To

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