



W.P.(MD)No.20416 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.20416 of 2023

and

W.M.P(MD)Nos.16846 & 16847 of 2023

A.Paulraj

.... Petitioner

/Vs./

1.The District Collector,
Trichirappalli District,
Collectorate, Cantonment,
Trichirappalli.

2.The District Revenue Officer,
Trichirappalli District,
Collectorate, Cantonment,
Trichirappalli.

3.The Revenue Divisional Officer,
Srirangam Zone,
Trichirappalli.

4.The Tahsildar,
Manapparai Taluk,
Trichirappalli District.

5.Annamary

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the third respondent herein dated 10.03.2022 in μ . μ . $\mathfrak{A}$ 5/611/2022 and quash the same.

For Petitioner : Mr.S.Balasubramanian

For R1 to R4 : Mr.S.Kameswaran
Government Advocate

ORDER

The writ petitioner has sought for quashing the impugned order of the third respondent, dated 10.03.2022 cancelling the patta in the name of the father of the petitioner and issuing the patta in the name of the fifth respondent.

2. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents and I have gone through the impugned proceedings.

3. On a perusal of the impugned order it is seen that the enquiry conducted was without any notice to the petitioner or the petitioner's



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father. Admittedly, it is only the complainant Annamary, who was put on notice and heard at the time of enquiry. Accepting the claim of the said Annamary, namely, the fifth respondent herein, the patta in the name of the petitioner's father has been cancelled. From the order, it is clear that, no opportunity was given to the petitioner or his father before patta was cancelled or mutate in the name of the fifth respondent.

5. Even in the counter affidavit filed before this Court by the third respondent, it is only stated that the third respondent conducted a detailed enquiry in the presence of the Village Administrative Officer and the applicant, Annamary and that after examination of the revenue records, the third respondent ordered cancellation of patta which stood in the name of the petitioner's father and directed to register the name of the Arockiyammal in the patta. Though the third respondent in the counter affidavit has stated that the father of the petitioner Arulappan is not in anyway connected with the properties and patta was fraudulently transferred, the said findings, without hearing the affected party, cannot be sustained in a Court of law. Hence, I am constrained to set aside the order of the third respondent giving liberty to the petitioner to prefer an



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appeal before the second respondent within a period of 30 days from the date of receipt of a copy of this Order. The Revenue Divisional Officer shall conduct an enquiry after affording an opportunity to the petitioner as well as the fifth respondent, in accordance with law and on the merits of the rival contentions placed before him within a period of 8 weeks thereafter.

6. Accordingly, the writ petition is allowed by setting aside the order of the third respondent dated 10.03.2022. 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
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Dated:
06.02.2025