



W.P.(MD)No.22757 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.22757 of 2017
and
W.M.P(MD)Nos.19066 & 19067 of 2017

Pazhankani

.... Petitioner

/Vs./

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Tahsildar,
Periyur Taluk,
Madurai District.

3.M.K.Manikam

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records in pertaining to the impugned order of the 1st respondent dated 28.03.2017 vide his proceedings in Na.Ka.No.57994/15/G2 and quash the same as illegal and consequently directing the respondents to keep the revenue records in petitioner's name in Patta No.2898.



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For Petitioner : Mr.T.Vadivelan
For R1 & R2 : Mr.S.Kameswaran
Government Advocate
For R3 : No appearance

ORDER

The petitioner challenges the cancellation of patta standing in the name of the writ petitioner in and by the proceedings of the first respondent dated 28.03.2017.

2. The grievance of the writ petitioner is that admittedly when on the date of the proceedings before the first respondent, patta had already been mutated in the name of the petitioner, without giving any notice to the petitioner, patta standing in the name of the petitioner has been cancelled.

3. I have heard Mr.T.Vadivelan, learned counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondents 1 & 2.



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4. I find from the impugned order that the first respondent recognised the fact that patta was mutated in the name of the petitioner pursuant to the settlement deed executed in her favour on 08.04.2011 and that patta No.2798 was issued to the petitioner. However, without giving an opportunity to the writ petitioner, enquiry was conducted and ultimately the first respondent has directed the said patta standing in the name of the petitioner to be cancelled and direction was issued to mutate the names of the other persons jointly in respect of the said patta.

5. The learned Government Advocate Mr.S.Kameswaran would submit that the petitioner's son has attended the enquiry and therefore, the petitioner cannot feign ignorance of the proceedings.

6. The mere fact that the petitioner's son was put on notice and heard before the order came to be passed cannot be put against the petitioner. Admittedly, even according to the official records of the first respondent the petitioner was the then pattadhar. Therefore, without issuing notice to the petitioner, the proceedings could not have been taken on file, leave alone passing adverse orders against the petitioner,



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behind his back. For this reasons alone, I am inclined to set aside the impugned order and the matter is remitted to the first respondent for fresh consideration, after hearing the petitioner as well as the other interested parties, final decision shall be taken on merits, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. 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

27.03.2025

To

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Madurai District,
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2.The Tahsildar,
Periyur Taluk,
Madurai District.



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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.22757 of 2017

Dated:
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