



W.P.(MD)No.29120 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.29120 of 2024
and
W.M.P(MD)No.24634 of 2024

1.S.Suganthi
2.Petchiammal

.... Petitioners

/Vs./

1. The District Collector
Madurai District, Madurai.

2. The District Revenue Officer
Madurai District, Madurai.

3. The Revenue Divisional Officer
Usulampatti Division, Peraiyur Taluk,
Madurai District.

4. The Tahsildar
Peraiyur Taluk, Madurai District.

5. The Village Administrative Officer
Melathirumanickam Village,
Peraiyur Taluk, Madurai District.

.... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order in Pa.Mu.No.2530/2024/A2 dated 17.08.2024 issued by the 3rd respondent and quash the same as illegal.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondent : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioners are challenging the order of the third respondent in Pa.Mu.No.2530/2024/A2, dated 17.08.2024, cancelling the patta issued to the petitioners.

2. In fact, this Court has already granted an interim order and pending the writ petition, it was brought to my notice that on 20.06.2024, the petitioners have given their respective individual statements stating that they had wrongly sought for patta and that they were not entitled for patta and therefore, they had no objection for the patta issued to them being cancelled. Subsequently, the impugned order came to be passed on 17.08.2024 cancelling the patta issued to the petitioners after getting a



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report from the Tahsildar on 01.07.2024. The proceedings in Na.Ka.No. 2473/2024/A5, dated 01.07.2024 on the file of the Tahsildar, forwarded to the Revenue Divisional Officer does not indicate that the petitioners had expressed their consent for pattas being cancelled. If the alleged letters dated 20.06.2024 are infact true, there would have been no necessity to conduct any enquiry in the first place and based on the said letters, the pattas would have been cancelled straightaway.

3. Unfortunately, there is no mention about the alleged letters said to have been given by the petitioners. In and by rejoinder affidavit, the petitioners have also categorically denied having given consent letters for cancellation of patta. It is their case that they were threatened to sign blank papers and only under threat and coercion, they have signed blank papers which have now been used to bring about the alleged letters dated 20.06.2024. From the mere fact that the proceedings of the Tashildar as well as the impugned order do not reflect the letters dated 20.06.2024 alleged to have been given by the petitioners, I am able to see that the genuineness of the letters, is clearly questionable, and under cloud.



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4. Further as rightly pointed out by the learned counsel for the petitioner, this Court has granted an interim order and writ petition is pending. More over even a contempt petition is pending before the Hon'ble Division Bench of this Court and in such circumstances, it is absolutely unnecessary for the petitioners to give consent for cancellation of pattas standing in their name. Therefore, the contentions advanced by learned Government Advocate cannot be countenanced.

5. Insofar as the order, which is impugned in the writ petition, is concerned, the order has been passed without affording an opportunity to the petitioners and no enquiry also appears to have been conducted and merely based on the report of the Tashildar, the impugned order has been passed by the third respondent, which is challenged in the present writ petition.

6. The learned Government Advocate would further submit that the petitioners' application was rightly rejected since it was found that the petitioners had other properties already held by them and they were not entitled to free house site patta. However, since the order has been passed



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without affording an opportunity to the petitioners, viewed from any angle, the impugned order is unsustainable and hence, petitioners are entitled to succeed.

7. In view of the above, the writ petition is allowed and the order dated 17.08.2024 is set aside and the matter is remitted to the third respondent for fresh consideration. After hearing the petitioners and any other interested parties, the third respondent shall pass fresh orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.29120 of 2024

Dated:
27.03.2025