



W.P.(MD)No.31118 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.31118 of 2023

and

W.M.P(MD)Nos.26674, 26675 of 2023 and 24877 of 2024

1.Manickam

2.Valliammai

3.Muthuraman

4.Kumar

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Pudukottai.

2.The Tahsildar,
Thirumayam Taluk,
Pudkottai District.

3.Ganapathi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in Ni.Mu.3587/2023/A4, dated 28.11.2023 and quash the same and consequently directing the respondents 1 and 2 to restore the patta stands in the petitioner's name and the petitioner's sons.



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For Petitioners : Mr.S.Alagusundar
For R1 & R2 : Mr.A.Kannan
Additional Government Pleader
For R3 : Mr.T.Veera Kumar

ORDER

The writ petition has been filed challenging the order passed by the first respondent, dated 28.11.2023 and consequently, directing the respondents 1 and 2 to restore the patta standing in the name of the petitioner and his sons.

2. With the consent of all the learned counsels, the writ petition is taken up for final disposal.

3. The subject property in S.No.482/2, to an extent of 0.32.0 ares at Kottur Village, Thirumayam Taluk, Pudukottai District belonged to the first petitioner's ancestor. The first petitioner inherited the property from his father, namely, Muthuraman Chettiyar. The petitioners were in continuous possession and enjoyment of the property. The patta was also granted by the second respondent in Patta No.8672, to the petitioners. While so, the third respondent clandestinely moved the second respondent for cancellation of patta standing in the name of the petitioners and for transfer of the same in his favour. The third respondent cancelled the patta in favour of the petitioner and transferred the



same in favour of the third respondent vide proceedings, dated 12.03.2019 without notice to the petitioners. Later, on petitioner's objections, the second respondent restored the patta in favour of the petitioners vide proceedings, dated 12.05.2021. The third respondent challenged the order, dated 12.05.2021 of the second respondent before the first respondent. The first respondent vide impugned proceedings set aside the order of the second respondent, dated 12.05.2021. Aggrieved by the order passed by the first respondent, the petitioners filed the above writ petition for the aforesaid relief.

4. The learned counsel for the petitioners submitted that the impugned order was passed without notice and opportunity of hearing to the petitioners. The learned counsel for the petitioners submitted that bare reading of the impugned order would show that no opportunity of hearing was afforded to the petitioners before passing the impugned order. The learned counsel for the petitioners therefore submitted that on the short ground of violation of principles of natural justice the impugned order deserved to be set aside.

5. The learned counsel for the third respondent submitted that even the patta granted in his favour vide order, dated 12.03.2019, was cancelled by the impugned order that too without notice to him and therefore the impugned order was prejudicial to the third respondent also.



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6. Heard the learned counsels and perused the materials placed on record.

7. This Court without going into the merits of the case, finds that the patta originally issued in favour of the third respondent by the second respondent was cancelled by the second respondent vide proceedings, dated 12.05.2021. Against the proceedings of the second respondent, dated 12.05.2021, the third respondent preferred an appeal before the first respondent and the first respondent vide impugned proceedings cancelled the order of the second respondent, dated 12.03.2019 as well as the order, dated 12.05.2021. From a bare reading of the impugned order, it is clear that no notice of enquiry was sent either to the petitioner or to the third respondent before cancelling the patta issued in favour of the petitioner and the third respondent on 12.03.2019 and 12.05.2021 respectively.

8. As rightly contended by the learned counsels, in the absence of any notice of enquiry or opportunity of hearing to the petitioners or to the third respondent, the impugned order cannot be sustained. There is gross violation of principles of natural justice and therefore, I am of the view that the the impugned order deserves to be set aside. The matter is remitted to the first



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respondent for fresh consideration. The first respondent is directed to issue notice of enquiry, afford reasonable opportunity of hearing to the petitioner as well as the third respondent and thereafter pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

9. The writ petition is accordingly allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

28.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

- 1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Pudukottai.
- 2.The Tahsildar,
Thirumayam Taluk,
Pudkottai District.



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N.MALA, J.

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