

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.30588 OF 2024

and

W.M.P(MD)No.25685 of 2024

P.Kathireswaran

: Petitioner/Petitioner

.VS.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai.

3.The Tahsildar,
Usilampatti Taluk,
Madurai District.

4.The Village Administrative Officer,
Uthappanayakkanur,
Usilampatti Taluk,
Madurai District.

:Respondents/Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent, dated 10.5.2024 and to quash the same and consequently to direct the third respondent to issue house site patta to the property comprised in S.No.615/71 situated at Uthappanayakkanur Village, Usilampatti



Taluk, Madurai District.

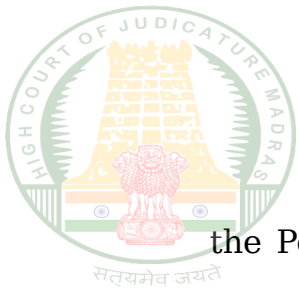
WEB COPY

For Petitioner :Mr.C.Selvaraj
For Respondents :Mr.M.Muthumanikkam
Govt.Advocate(Civil side)

ORDER

The Writ Petition is filed for a Writ of Certiorarified Mandamus calling for the records of the third respondent, dated 10.5.2024 and to quash the same and consequently to direct the third respondent to issue house site patta to the property comprised in S.No.615/71 situated at Uthappanayakkanur Village, Usilampatti Taluk, Madurai District.

2.The Petitioner's father and fore-fathers were living in the subject property by constructing a house. After the demise of Petitioner's father, the Petitioner continued to be in peaceful possession and enjoyment of the subject property. The Petitioner obtained electricity connection and was also paying house tax for the said property and prior to that, the Petitioner's father paid the house tax. The Petitioner wanted to renovate his house and therefore, he applied for building approval to the Panchayat President. The Petitioner was given to understand that no building approval was necessary for renovation of the building. Therefore



the Petitioner started construction of the building by spending a huge amount. While so, the fourth respondent directed the Petitioner to stop the construction work and asked him to obtain patta. The Petitioner submitted a representation on 12.01.2024, to the first respondent for issuance of house site patta for the subject property. The first respondent forwarded the Petitioner's application to the third respondent who vide the impugned order rejected the application for grant of house site patta. The third respondent rejected the Petitioner's application without affording an opportunity of hearing to the petitioner and on the grounds that certain objections were received from some persons and also that the subject land was classified as Governement Poramboke-Perumal Temple. Aggrieved by the impugned order, the Petitioner filed the above Writ Petition for the aforesaid relief.

3.The learned counsel for the Petitioner submitted that without affording an opportunity of hearing to the Petitioner and in gross violation of principles of natural justice, the third respondent passed the impugned order and the same deserved to be set aside and prayed to allow the Writ Petition.

4.A bare reading of the impugned order shows that no notice of enquiry was issued and no hearing was afforded to the



Petitioner before passing the impugned order. Even the materials relied on by the third respondent for rejecting the Petitioner's application seem to have been obtained behind the back of the Petitioner. Therefore, the impugned order cannot be sustained and accordingly, the same is set aside. The matter is remitted to the third respondent for fresh consideration. The third respondent is directed to issue notice of hearing to the Petitioner and all interested persons, conduct an enquiry and thereafter, pass 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.

5. The Writ Petition is accordingly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

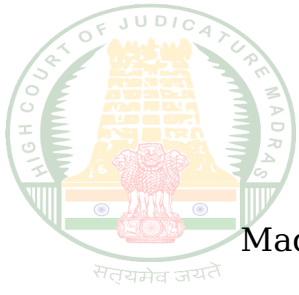
24.01.2025

NSC :Yes/No
Index:Yes/No
Internet:Yes/No
vsn

To

1. The District Collector,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
Usilampatti,



Madurai.

WEB COPY

3. The Tahsildar,
Usilampatti Taluk,
Madurai District.

4. The Village Administrative Officer,
Uthappanayakkanur,
Usilampatti Taluk,
Madurai District.



WEB COPY

6



N.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.30588 OF 2024
and
W.M.P(MD)No.25685 of 2024

24.01.2025