



W.P.(MD)No.8395 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.12.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.8395 of 2020 &
W.M.P.(MD)Nos.7804 & 7811 of 2020

S.Subramanian

...Petitioner

Vs.

- 1.The District Revenue Officer,
Sivagangai, Sivagangai District.
- 2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 3.The Tahsildhar,
Thiruppathur, Sivagangai District.
- 4.Rama.Kuppani
- 5.AL.Kathiresan
- 6.S.Kathiresan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records relating to the impugned proceedings issued by the first respondent in Na.No.C2/28910/2019, dated 16.04.2020 and signed on 22.04.2020 and quash the same insofar as not setting aside the proceedings in Muu.Mu./A3/5436/14, dated 20.01.2015 issuing direction to restore the patta to the name of the writ petitioner's vendor.



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For Petitioner : Mr.AL.Kannan

For Respondents : Mr.K.S.Selvaganesan,
Additional Government Pleader
for R1 to R3
Mrs.A.S.Rajeswari for R6
No appearance for R4 and R5

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 16.04.2020 insofar not setting aside the proceedings of the second respondent dated 20.01.2015 while remanding back the matter to the second respondent and for a direction to restore the patta in the name of the vendor of the petitioner.

2. Heard the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 to 3 and the learned counsel for the sixth respondent.

3. The case of the petitioner is that the subject properties were purchased through a sale deed registered as Document No.1883 of 2011 dated 07.03.2011 by the petitioner and his brother. Steps were taken to mutate the revenue records in the name of the petitioner and



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his brother. While verifying the records, the petitioner came to know that the name of the vendor of the petitioner has been removed from the revenue records. On further enquiry, it came to light that the original assignment order was cancelled by the second respondent through proceedings dated 20.01.2015 and as a result, the name of the vendor of the petitioner was also removed from the revenue records.

4. The petitioner filed an appeal before the first respondent against the order passed by the second respondent through proceedings dated 20.01.2015. The first respondent passed an order through proceedings dated 16.04.2020 and the relevant portions are extracted hereunder.

"3) ஒப்படை ரத்து செய்த கோப்பினை பரிசீலித்ததில் மேற்படி நில ஒப்படைகளானது கடந்த 2015-ம் ஆண்டில் ரத்து செய்து தேவகோட்டை வருவாய் கோட்டாட்சியரால் உத்தரவிடப்பட்டுள்ளது. ரத்து நடவடிக்கையில் விசாரணையின் போது நில ஒப்படைதாரர்களுக்கு மட்டுமே விசாரணை அறிவிப்பு அனுப்பப்பட்டு விசாரணை செய்து வாக்குமூலம் பெறப்பட்டுள்ளன. அந்நாளில் பட்டாதாரரான திரு.ஜெயக்குமார் என்பவருக்கோ தொடர்புடைய மற்ற நபர்களுக்கோ விசாரணை அறிவிப்பு அனுப்பப்பட்டதாக எந்த வித பதிவுகளும் இல்லை.



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4) எனவே, மனுதாரர்கள் கோரிக்கை தொடர்பாக, சம்பந்தப்பட்ட அனைத்து நபர்களையும் விடுபடாது மீள விசாரணை மேற்கொண்டு அரசு விதிகளின்படி நடவடிக்கை மேற்கொண்டு மீள இறுதி உத்தரவு பிறப்பித்து அவ்விவரத்தினை இவ்வலுவலகத்திற்கு தெரிவிக்குமாறு கேட்டுக் கொள்கிறேன். மேலும், இத்துடன் மனுதாரின் மனு தொடர்புடைய ஆவணங்கள் மற்றும் தேவகோட்டை வருவாய் கோட்டாட்சியர் அலுவலக கோப்பு மு.மு/அ3/5436/2014, நாள்:20.01.2015 (பக்கம் 6+470) ஆகியன இணைத்து அனுப்பப்படுகிறது. மேற்படி கோப்பினை மீள பெற்றுக் கொண்டமைக்கான ஒப்புதலை உடன் அளிக்கும்படியும் கேட்டுக் கொள்கிறேன்."

5. The learned counsel for the petitioner submitted that the first respondent came to a conclusion that opportunity was not given before the cancellation of the assignment and the cancellation of the patta which stood in the name of the vendor of the petitioner and therefore, the matter was remanded back to the file of the second respondent and while doing so, the first respondent failed to set aside the order passed by the second respondent and as a result, the authorities had once again attempted to interfere with the possession and enjoyment of the property. It is under these circumstances, the present writ petition was filed before this Court.



6. The learned counsel for the petitioner further submitted that the subject properties were private lands and there was no occasion for the Government to grant assignment of these lands. Therefore, the learned counsel questioned the very original assignment that was made by the Government.

7. The learned Additional Government Pleader appearing for the official respondents submitted that the enquiry is now pending before the second respondent and that all the interested parties will be heard and final orders will be passed within the time frame fixed by this Court.

8. Taking into consideration the facts and circumstances of the case and the submissions made by either side, it will suffice if a direction is given to the second respondent to issue notice to all the interested parties and conduct an enquiry. It will be left open to the petitioner to raise all the grounds before the second respondent. The second respondent shall consider the case on its own merits and in accordance with law and shall pass final orders within a period of six



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months from the date of receipt of a copy of this order. It is made clear that the status as it prevailed prior to the order passed by the Revenue Divisional Officer shall be maintained till final orders are passed by the second respondent.

9. This writ petition is disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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NCC : Yes/No
Index : Yes/No
Speaking/Non-speaking Order

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N.ANAND VENKATESH, J.

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