



W.P.(MD).No.12316 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.12316 of 2023

and

W.M.P(MD)Nos.10484 & 10485 of 2023

Jeyamkondan

... Petitioner

Vs.

1.The Thasildar,
Thirumayam,
Pudukottai District.

2.Periyakaruppan

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the first respondent in TR/2022/22/04/000119SD dated 06.01.2022 and quash the same and consequently directing the first respondent to conduct de-novo enquiry in respect of the survey in S.No.50/3A, Rangiyam Village, Thirumayam Taluk, Pudukkottai District.



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For Petitioner : Mr.RM.Arun Swaminathan
For R – 1 : Mr.P.Subbaraj
Special Government Pleader

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the first respondent in TR/2022/22/04/000119SD dated 06.01.2022 and quash the same and consequently directing the first respondent to conduct de-novo enquiry in respect of the survey in S.No.50/3A, Rangiyam Village, Thirumayam Taluk, Pudukkottai District.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent and perused the materials available on record.

3.Considering the nature of the order going to be passed in the Writ Petition, notice to the second respondent is dispensed with.



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4.The petitioner is having an ancestral property situated in Survey No.50/3A, 11A, Rangiyam Village, Thirumayam Taluk, Pudukottai District, measuring an extent of 24.89 and 18.43 acre respectively. Patta Nos.1398 and 1400 was also issued in the name of nine persons. On 29.11.2021 and 03.12.2021, the second respondent applied for patta with sub-division before the first respondent. However, without issuing any notice to the concerned pattadhars, unanimously the first respondent passed the impugned order, dated 06.01.2022 and without giving an opportunity of hearing to the pattadhars, the impugned order came to be passed.

5.Passing orders by the statutory authority without issuing notice to all the stakeholders amounts to violation of principles of natural justice. Hence, this Court is inclined to quash the impugned order.

6.Accordingly, the impugned order, dated 06.01.2022 passed by the first respondent is quashed and this Court further directs the first respondent to conduct a denovo enquiry in Survey No.50/3A, 11A, Rangiyam Village, Thirumayam Taluk, Pudukottai



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District, after issuing notice to all the stake holders and pattadhars. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. The first respondent is directed to maintain status quo, as on today, till the completion of the denovo enquiry.

7. With the above directions, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

19.05.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes
ps



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To

The Thasildar,
Thirumayam,
Pudukottai District.



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L.VICTORIA GOWRI, J.

ps

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