



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.(MD)No.12206 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

Balamurugan

... Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli Collectorate Campus,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli.

3.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli.

4.D.Israveil Thangasamy

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.Aa2/See.Ma.No.18/2013 dated 10.06.2015 and quash the same and consequently direct the 1st respondent to rehear the appeal in Na.Ka.Aa2/See.Ma.No.18/2013.

For Petitioner : Mr.R.J.Karthick for M.Saravanan

For Respondents : Mr.S.Chandrasekar, G.A.

ORDER

The Writ petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.Aa2/See.Ma.No.18/2013, dated 10.06.2015, quash the same and consequently, direct the 1st respondent to rehear the appeal.

2.Mr.S.Chandrasekar, learned Government Advocate takes notice for the respondents 1 to 3. By consent, this Writ Petition itself is taken up for final disposal.

3.The learned counsel appearing for the petitioner would submit that without passing a speaking order on merits after affording an opportunity of hearing, the 1st respondent has passed an ex parte order. Hence, he pleaded that the matter may be remitted back to the 1st respondent to pass orders afresh, on merits and in accordance with law, within the time stipulated by this Court.



4.The learned Government Advocate appearing for the respondents 1 to 3 after getting instructions would submit that the appeal will be considered afresh in accordance with law.

5.The 1st respondent by order dated 10.06.2015 has observed that in view of the revision filed by the 4th respondent herein, a notice was sent on 23.07.2014 to the petitioner and others, directing them to appear on 05.09.2014 at 4.00 pm., for enquiry, failing which, orders would be passed on that day. However, the petitioner had not appeared on that day. But, the 1st respondent has passed the impugned order after a period of 2 years, without any further intimation.

6.In view of the above, the impugned order dated 10.06.2015 is set aside and the matter is remanded back to the 1st respondent for fresh consideration. The 1st respondent is directed to fix the date of hearing and thereafter, provide an opportunity of hearing to the petitioner as well as the rival claimants, namely, the 4th respondent herein, and pass orders on merits and in accordance with law, within a period of 6 weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected M.Ps.are closed.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Revenue Officer,
Tirunelveli Collectorate Campus, Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi, Tirunelveli.

3.The Tahsildar,
Ambasamudram Taluk, Tirunelveli.

+1cc to Mr.R.J.Karthick,Advocate SR.No.39390

+1cc to Special Govt.Pleader SR.No.39349

W.P. (MD) No.12206 of 2015
16.07.2015

nbj

PA/KBM/SAR-I/18.08.2015/2P/6C