



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2015

CORAM

THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P(MD) .No.16753 of 2013
and
M.P(MD) Nos.1 and 2 of 2013

I.Mohaideen
S/o Ibrahim,
Subbu's Associates,
92/26 Pollachi Road,
Udumalaipettai,
Tiruppur District.

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

2.The Tashildar,
Bodinayakanur Taluk,
Theni District.

3.Ochayi

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pursuant to the order of the first respondent in his proceedings in Na.Ka.No.5936-2010-A5 dated 19.12.2012 and quash the same and consequently, direct the respondents to issue the patta in favour of the petitioner and pass such further or other orders as this Court may deem fit and proper in the facts and circumstances of this case and thus render justice.

For petitioner : Mr.A.K.Manickam

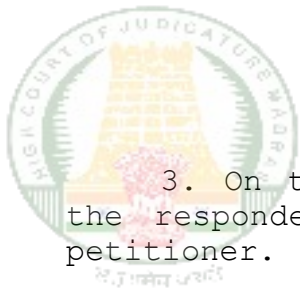
For respondents : Mr.S.Chandrasekar
Government Advocate for R1 & R2

Mr.D.Rameshkumar for R3

ORDER

The petitioner has come before this Court to set aside the order passed by the first respondent dated 19.12.2012 and for consequential direction to the respondents to issue patta in favour of the petitioner.

2. The Learned counsel appearing for the petitioner represented that the first respondent without issuing notice to the petitioner, passed the impugned order.



3. On the other hand, the learned Government Advocate appearing for the respondents 1 and 2 represented that notice had been sent to the petitioner.

4. The first respondent for deciding the change of patta initiated the proceedings. Before passing such an order, the respondents claimed that notices were sent to the petitioner.

5. Admittedly, notices had not been served to the petitioner, which violates the principles of natural justice. Since the matter involved issuance of patta, the respondents are bound to comply the principles of natural justice. Hence, the impugned order is set aside and the matter is remitted back to the respondents for issuing proper notice. The notice shall be sent to the address available in the writ petition and the petitioner is directed to appear as directed without fail. The respondents shall also give sufficient opportunity to the third respondent and to decide the issue on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

2. The Tashildar,
Bodinayakanur Taluk,
Theni District.

+1cc to M/S.A.K.Manickam, Advocate in SR.No 30275

+1cc to M/S. D.Ramesh Kumar, Advocate in SR.No 30808

+1cc to Special Government Pleader in SR.No. 30669.

TS/30.06.2015/2P -6C

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