



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.03.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P(MD) .No.9014 of 2013

and

M.P. (MD) .Nos.1 and 2 of 2013

Mariya Devasigamani

... Petitioner

Vs.

1.The District Revenue Officer,
Kanyakumari District.

2.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk ,
Kanyakumari District.

4.Saraswathy

... Respondents

Writ Petition filed under Article 230 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the first respondent in Na.Ka.No.M4/479/2012 dated 7.3.2013 and quash the same and consequently direct the respondents 1 to 3 herein to restore the revenue records in favour of the petitioner for the property measuring 0.03.75 Ares in S.No.P3/38 situated at Colachel Village, Kanyakumari District, without any delay.

For petitioner : Mr.H.Thayumana Swamy

For R.1 to 3 : Mr.S.Chandrasekar
Government Advocate

For R.4 : Mr.K.Samidurai

ORDER

The only ground on which this Writ Petition is filed that though the District Revenue Officer has passed the impugned order in detail, he has failed to take into consideration that the sub-division has been done by the Tahsildar concerned without notice to the petitioner. This vital point has not been taken into account by the first respondent, while passing the impugned order. Further, as far as the civil suit is concerned, it is only for an injunction, that too, it is for a different cause of auction and not related to the present case on hand. In the said suit, title is also not claimed.



2. The learned Government Advocate would contend that it is for them to prove that no notice was given to the petitioner.

3. On a perusal of the records, it is seen that no notice was issued to the petitioner before doing sub-division of the petitioner's properties. On this very short ground, the order impugned in this Writ Petition stands set aside and the matter is remitted back to the District Revenue Officer, who shall give sufficient opportunities to both parties and pass appropriate orders, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The District Revenue Officer,
Kanyakumari District.

2.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.

3.The Tahsildar, Kalkulam Taluk ,
Kanyakumari District.

+1cc to MR.K.SAMIDURAI, ADVOCATE IN SR : 16636

+1cc to MR.M.THAYUMANASAMY, ADVOCATE IN SR : 16417

+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 16171

Ssm

SR : 16.04.2015 : 2p/7c

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