



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2016

C O R A M

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) Nos.9878 & 11672 of 2016

and

W.M.P. (MD) Nos.7798,7799,8946 & 8947

i) In W.P. (MD) No.9878 of 2016

A.Jeyapaul .. Petitioner

Vs

1. The District Revenue Officer,
District Revenue Office, Madurai District.
2. K.Veluchamy
The District Revenue Officer,
District Revenue Office, Madurai District.
3. The Revenue Divisional Officer,
Madurai District, Madurai.
4. The Tahsildar,
Madurai North Taluk, Madurai.
5. R.Rajaselvaraj .. Respondents

ii) In W.P. (MD) No. 11672 of 2016

Karmegam .. Petitioner

Vs

1. The District Revenue Officer,
District Revenue Office, Madurai District.
2. K.Veluchamy
The District Revenue Officer,
District Revenue Office, Madurai District.
3. The Revenue Divisional Officer,
Madurai District, Madurai.



4. The Tahsildar,
Madurai North Taluk, Madurai.

5. A.Jeyapaul

6. R.Rajaselvaraj

.. Respondents

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Prayer in W.P.(MD)No.9878 of 2016: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.19793/2015/G5, dated 26.04.2016 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction, directing the respondents to cancel the Patta issued in favour of the Respondent No.5 and his legal heirs and restore the original Patta issued in favour of the petitioner within the time stipulated by this Court.

Prayer in W.P.(MD)No.11672 of 2016: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.19793/2015/G5, dated 26.04.2016 on the file of the Respondent No.1 and quash the same as illegal and consequently for a direction, directing the respondents to cancel the Patta issued in favour of the Respondent No.5 and restore the original Patta issued in favour of the petitioner within the time stipulated by this Court.

In W.P.(MD)No.9878 of 2016

For Petitioner	:	Mr.T.Lajapathy Roy
For R-1 to R-4	:	Mr.J.Gunaseelan Muthiya Government Advocate
For R-5	:	Mr.G.R.Swaminathan for Mr. K.K.Samy

in W.P.(MD)No.11672 of 2016

For Petitioner	:	Mr.J.Lawrance
For R-1 to R-4	:	Mr.J.Gunaseelan Muthiya Government Advocate
For R-5	:	Mr.T.Lajapathi Roy
For R-6	:	Mr.M.Rajarajan

C O M M O N O R D E R

These Writ Petitions have been filed seeking a direction to call for the records pertaining to the impugned order in Na.Ka.19793/2015/G5, dated 26.04.2016 on the file of the first Respondent and quash the same as illegal and consequently for a direction, directing the respondents to cancel the Patta issued in favour of the Respondent No.5 and his legal heirs and restore the original Patta issued in favour of the petitioner within the time period stipulated by this Court.



2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the respondents 5 and 6.

3. In an earlier round of litigation, this Court passed an order dated 18.04.2016 in W.P.(MD)No.17634 of 2014, 10880 of 2015, 5331 of 2016 and Cont.P.(MD)No.490 of 2016, wherein it has been observed as follows:-

" In view of the undertaking given by all the three petitioners before this Court, the District Revenue Officer, Madurai, in the pending proceedings, though it is restricted to two survey numbers they will include all the survey numbers viz., S.No.9/1B, 9/3B, 10/5, 10/9A, 13/48, 80/4C2 and 80/5B1 in respect of all the three parties after giving sufficient opportunity to all the parties concerned on getting report, pass appropriate orders in accordance with law. All the parties are at liberty to raise all the points including jurisdiction, locus standi everything."

4. The main grievance of the petitioners is that the first respondent/District Revenue Officer without affording opportunity, and without following the directions issued by this Court, passed the impugned order.

5. The learned counsel appearing for the private respondents and the official respondent are not in a position to dispute the same. A perusal of the said order, it does not mention anything about the notice given to the petitioners.

6. In the above circumstances, without going into the merits of the case, the impugned order passed by the first respondent is set aside and the matters are remanded back to the first respondent with a direction to comply with the order passed in the Writ petition and conduct the enquiry, after giving sufficient opportunity to the petitioner as well as the other respondents and other rival claimants if any, and pass appropriate orders on merits in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

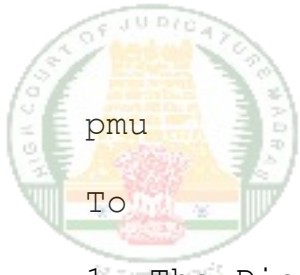
7. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar



1. The District Revenue Officer,
District Revenue Office, Madurai District.

2. The Revenue Divisional Officer,
Madurai District, Madurai.

3. The Tahsildar,
Madurai North Taluk, Madurai.

+1CC to Mr.J.Lawrance, Advocate Sr.No.57598

+1CC to Mr.M.Rajarajan, Advocate Sr.No.57502

+1CC to Spl.Government Pleader Sr.No.57914

+2CC to Mr.T.Lajapathy Roy, Advocate Sr.No.57850

+1CC to Mr.K.K.Samy, Advocate Sr.No.58224

GJM/CK/13.10.16-4p-10C

W.P. (MD) Nos. 9878 & 11672 of 2016
and
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