



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2016

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.10501 of 2011

and

M.P.(MD)No.3 of 2011

1.Vasanth
2.Sathya Anand

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Thenkasi, Tirunelveli District.

2.The Tahsildar,
Alangulam,
Tirunelveli District.

3.The Zonal Deputy Tahsildar,
Alangulam,
Tirunelveli District.

4.Maria Samuvel
(cause title amended vide order dated
04.07.2012 in M.P.(MD)No.1 of 2012)

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 3rd respondent in No.R.2000/3473-3473, dated 27.10.2010 and quash the same.

For Petitioner	: Mr.M.Saravanan
For Respondents	: Mr.R.Anantharaj, G.A.for R1 to 3 Mr.Meltiue for R4

O R D E R

The Writ petition has been filed to quash the order dated 27.10.2010 in Na.R.2000/3473-3473 passed by the 3rd respondent.

2.According to the petitioner, the Zonal Deputy Thasildar, without conducting any enquiry and issuing notice to the petitioner passed the impugned order for issuing a joint patta by including the 4th respondent.



3.The 3rd respondent filed a counter affidavit stating that already enquiry was conducted by the 3rd respondent in which, the petitioner appeared and gave no objection for including the name of the 4th respondent and based on which, the present order has been passed.

4.This Court called for the records in order to verify the above said fact. From the records, it could be seen that no notice has been issued to the petitioner and no enquiry was conducted before passing such order.

5.In the above circumstances, without going into the merits of the case, the impugned order dated 27.10.2010 is set aside on the ground of violation of principles of natural justice, and the matter is remanded back to the 3rd respondent and the 3rd respondent is directed to conduct a fresh enquiry after giving opportunity to the petitioner as well as to the 4th respondent 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. The Writ petition is disposed of accordingly. No costs. Consequently, connected M.P.is closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The Revenue Divisional Officer,
Thenkasi, Tirunelveli District.
- 2.The Tahsildar,
Alangulam,
Tirunelveli District.
- 3.The Zonal Deputy Tahsildar,
Alangulam, Tirunelveli District.

- + 1 CC TO Mr.N.C.ASHOK KUMAR, ADVOCATE IN SR No. 65176
- + 1 CC TO M/S.B.S.MELTUE, ADVOCATE IN SR No. 65667
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 65311

NBJ

TE/GSV-PM : 30/11/2016 : 2P/7C