



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition(MD)No.6948 of 2013

and

M.P. (MD) .No.1 of 2013

M.R.Syed Ibrahim

...Petitioner

Vs.

1. The District Revenue Officer,
Sivagangai,
Sivagangai District.

2. The Tahsildar,
Sivagangai,
Sivagangai District.

3. S.Malai Raj

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.B1-2408-2013 dated 05.04.2013 and quash the same as illegal.

For Petitioner: Mr.H.Mohamed Imran

for M/s.Ajmal Associates

For R1 & R2 : Mr.K.Guru

Additional Govt. Pleader

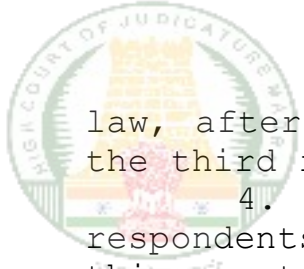
For R3 : Mr.D.Sadiq Raja

O R D E R

The writ petition has been filed for a Writ of Certiorari to call for the records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.B1-2408-2013, dated 05.04.2013 and quash the same as illegal.

2. The main contention of the learned counsel for the petitioner is that the first respondent has passed the impugned order, dated 05.04.2013, without giving an opportunity of hearing to the petitioner and therefore, it is illegal and void in the eye of law.

3. The learned counsel appearing on behalf of the petitioner had submitted that it would suffice if the impugned order, dated 05.04.2013, is set aside and if the matter is remitted back to the first respondent directing him to decide the matter, afresh, on merits and in accordance with



law, after giving an opportunity of hearing to the petitioner and the third respondent, within a specified period.

4. The learned counsels appearing on behalf of the respondents, have no objection for such an order being passed by this court.

5. In such circumstances, the impugned order of the first respondent, dated 05.04.2013 is set aside and the matter is remitted back to the first respondent, to pass an order, afresh, on merits and in accordance with law, after giving an opportunity of hearing to the petitioner, as well as the third respondent, within a period of three months from the date of receipt of a copy of this order.

6. This writ petition is disposed of, with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar(CS)

To

1. The District Revenue Officer, Sivagangai, Sivagangai District.

2. The Tahsildar, Sivagangai, Sivagangai District.

+1cc to M/s.Ajmal Associates, in SR.65230

+1cc to Mr.D.Sadiq Raja, Advocate in SR.65338

W.P(MD)No.6948 of 2013

02.11.2016

akv

PBK/EM-MPA/SAR-I 02.01.2017 ::2P-5C:(IT)