



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD)No.591 of 2014
M.P.(MD) Nos.1 and 2 of 2014

1.L.Praveen Kumar
2.L.Dinesh Kumar
3.E.Pradeep Kumar

... Appellants/Petitioners

Vs.

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.
2.M.Durai Pandian,
The Revenue Divisional Officer,
Usilampatti,
Madurai District.
3.The Tahsildar,
Usilampatti Taluk,
Usilampatti,
Madurai District.
4.The Deputy Tahsildar,
Usilampatti Taluk,
Usilampatti,
Madurai District.
5.The Village Administrative Officer,
Seemanoothu Panchayat,
Usilampatti Taluk,
Madurai District.
6.V.Chandrakasan

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.13684 of 2013 dated 28.03.2014.

Prayer in WP(MD). 13684/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records pertaining to the order made in Mu.mu. No. 2931/2012/A2 dated 20.07.2013 issued by the 1st respondent and quash the same.



For Appellant

: Mr.D.Sadiq Raja

For Respondents 1 to 5

: Mr.M.Murugan
Government Advocate

For 6th Respondent

: Mr.M.Vijayarathinam

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JUDGMENT

(Judgment of the Court was delivered by **M.M. SUNDRESH, J**)

The writ appeal has been preferred by the appellants against the order of the learned Single Judge dated 28.03.2014, passed in W.P.(MD) No.13684 of 2013, by which the learned Single Judge declined to interfere with the order passed by the Revenue Divisional Officer in cancelling the patta originally stood in their name and has given liberty to workout their remedy before the District Revenue Officer.

2.The learned counsel for the appellants submitted that there is legal malice involved. The matter stood posted on 23.05.2013 and thereafter on 11.07.2013. On 11.07.2013, the matter was not called. But the parties were informed that the bundle was misplaced and hence the matter would be posted on 25.09.2013. On the other hand the order came to be passed on 05.06.2013 itself, for which purpose the learned counsel for the appellants made reliance on the minutes regarding the date of hearing.

3.The learned counsel for the 6th respondent would submit that the person in whose name the patta stood was heard and since the names of the appellants have not been shown in the patta they were not heard. Hence, no interference is required.

4.We find that the averments contained in the affidavit filed in support of the writ petition have not been specifically denied in the counter affidavit filed by the 1st respondent. The records would show that the matter should be posted on 25.09.2013. Further more, the order indicates the names of the appellants as respondents. Once they are arrayed as respondents they are bound to be heard and their objections ought to have been noted. There is no specific reference about this though the contentions are noted in general on behalf of the parties.

5.Considering the above, we are of the view that this is a fit case where the order passed will have to be set aside and the matter has to be heard afresh after due notice to the parties. In such view of the matter, this Writ Appeal is allowed and the order passed by the learned Single Judge and the order impugned in the writ petition are set aside and the matter is remanded to the first respondent for fresh consideration. The first respondent is directed to issue notice to all the parties mentioned in the impugned order and hear them and pass orders on merits and in accordance with law



within a period of 8 weeks from the date of receipt of a copy of this order. In the meanwhile, status quo as on today insofar as the mutation would continue. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
Usilampatti Taluk,
Usilampatti,
Madurai District.

3.The Deputy Tahsildar,
Usilampatti Taluk,
Usilampatti,
Madurai District.

4.The Village Administrative Officer,
Seemanoothu Panchayat,
Usilampatti Taluk,
Madurai District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.68680

+1cc to M/s. M.VIJAYARATHINAM Advocate in SR. No.68265

SJ

JS/KK/SAR.1/9.8.2017/3P-7C

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