



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.18617 of 2014

and

MP(MD) No.1 of 2014

Karu.Alagiyammal

... Petitioner

Vs.

1.The District Revenue Officer
Sivagangai District,
Sivagangai

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Thiruppathur,
Sivagangai District.

4.C.Alagappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the first respondent's impugned order in P.(MD)1-10863-2012 dated 15.04.2012, quash the same as illegal and consequently confirm the orders of the Zonal Deputy Thasildhar, Singampunari in (P.(MD)தா.ப.மா.எண் - 2198/06 dated 08.12.2006.

For Petitioner : Mr.S.Muthalraj

For Respondents : Mr.M.Alagathevan, -For R.1 to R.3
Special Government Pleader
: Mr.P.Natarajan - For R4

ORDER

By consent, this writ petition itself is taken up for final disposal.

2. Heard the learned Counsel on either side.

3. According to the petitioner, the property in question, which originally belonged to her husband namely, Karuthasamy, was registered in favour of the petitioner vide settlement deed dated



19.09.1990 and the same was sub-divided into Nos.212/13A1, A2, B1 and B2 for classification as Natham.

4. The grievance of the petitioner is that though the property was settled in her favour, the patta to the land in S.No.212/13B2, stands in the name of the fourth respondent and the appeal filed by the petitioner before the second respondent was dismissed on 26.10.2006.

5. Aggrieved over the same, the petitioner has approached the third respondent for issuance of patta in favour of the petitioner based on the registered settlement deed dated 19.09.1990. Further, the petitioner filed a Writ petition in W.P.(MD)No.7310 of 2007 before this Court seeking a direction to the third respondent to consider the case of the petitioner.

6. This Court, by order dated 04.09.2007, disposed of the said Writ petition, directing the second respondent therein to consider the case of the petitioner, pursuant to which, on 30.05.2008, the third respondent issued a joint patta in favour of the fourth respondent and also in the name of the petitioner. Hence, the petitioner filed a revision before the first respondent for setting aside the order passed by the second respondent. The first respondent by the impugned order dated 15.04.2012 issued patta in the name of the fourth respondent. Aggrieved over the same, the petitioner has approached this Court with the present Writ petition for the aforesaid relief.

7. The learned Counsel for the petitioner has submitted that the first respondent has passed the impugned order without any notice to the petitioner so as to enable her to prove her title and that on that score alone the impugned order is liable to be set aside.

8. At this juncture, the learned counsel for the fourth respondent has fairly submitted that the matter may be remanded back to the first respondent for fresh consideration, after affording opportunity to all the parties concerned, including the fourth respondent.

9. Considering the facts and circumstances of the case as well as considering the rival submissions, the impugned order dated 15.04.2012, passed by the first respondent is set aside. The matter is remitted to the the first respondent for consideration afresh, who, in turn, shall pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, fourth respondent as well as the other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.



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10. In the result, this writ petition is allowed as above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub-Assistant Registrar

To

1.The District Revenue Officer
Sivagangai District,
Sivagangai

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Thiruppathur,
Sivagangai District.

+One cc to Mr.Na.Palaniyandi, Advocate, SR.No.87390

+One cc to Mr.N.Tamilmani, Advocate, SR.No.87546

rm

RL/6C/3P/JC/SAR1/22/12/2017

W.P. (MD) No.18617 of 201415.11.2017