

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 13.04.2017****CORAM:****THE HON'BLE Mr.JUSTICE V.PARTHIBAN****W.P. (MD) No.6044 of 2017**

P.Pushpam

... Petitioner

Vs.

1. The District Collector,
Theni District, Theni.

2. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Periyakulam, Theni District.

3. The Tahsildar,
Andipatti, Theni District.

4. The Village Administrative Officer,
Thimarasanaickanur Village,
Andipatti Taluk, Theni District.

... Respondents

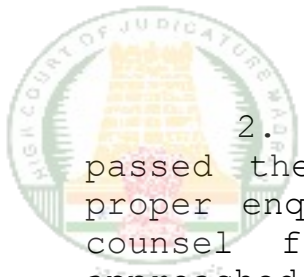
Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to 3rd respondent in his proceedings Na.Ka.No. 943/2017/A2, dated 08.03.2017 and quash the same and further direct the 3rd respondent to issue patta in respect of S.No.778/1 measuring 10 cents situated at Thimarasanaickanur Village, Andipatti Taluk, Theni District.

For Petitioner : Mr.PT.S.Narendravasan

For Respondents : Mr.M.Alagathevan
Special Government Pleader

O R D E R

The petitioner has approached this Court seeking a Writ of Certiorarified Mandamus, to quash the proceedings of the third respondent in Na.Ka.No.943/2017/A2, dated 08.03.2017 and further direct the 3rd respondent to issue patta in respect of S.No.778/1 measuring 10 cents situated at Thimarasanaickanur Village, Andipatti Taluk, Theni District.



2. According to the petitioner, the third respondent has passed the impugned order, dated 08.03.2017 without conducting proper enquiry relevant to the statutory provisions. The learned counsel for the petitioner would also submit that he had approached this Court earlier in W.P.(MD).No.4045 of 2017 and in which this Court has passed an order on 09.03.2017, issuing a direction to the third respondent to consider the petitioner's representation. The operative portion of the order is extracted below;

"6. Considering the limited scope of the prayer sought for and without expressing any view on the merits of the claim made by the petitioner and that the learned Additional Government Pleader appearing for the respondents has no objection to consider the representation of the petitioner, the third respondent is directed to consider the representation of the petitioner as indicated above, after conducting an enquiry in accordance with law and on merits and dispose of the same within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner."

3. However, just day before the above order was passed, the third respondent had hurriedly passed the order dated 08.03.2016 itself, without any semblance of enquiry being conducted. Therefore the learned counsel for the petitioner would strongly urge this Court that the impugned order of the third respondent dated 08.03.2016 may be set aside and the matter may be remanded back to the authority concerned to consider the same afresh.

4. Mr.M.Alagadevan, learned Special Government Pleader takes notice for the respondents and made submissions.

5. After hearing the arguments of both side counsels, this Court is of the view that the impugned proceedings passed by the third respondent without conducting proper enquiry cannot be countenanced in law and the same is liable to be set aside. Therefore the impugned order passed by the third respondent in Na.Ka.No. 943/2017/A2, dated 08.03.2017 is set aside and the matter is remanded back to the third respondent for fresh consideration of the claim of the petitioner and appropriate orders may be passed after affording opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. With these directions, this writ petition is disposed of.
No Costs.

Sd/-

Assistant registrar(Cs-I)



To

1. The District Collector,
Theni District, Theni.
2. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Periyakulam, Theni District.
3. The Tahsildar,
Andipatti, Theni District.
4. The Village Administrative Officer,
Thimarasanaickanur Village,
Andipatti Taluk, Theni District.

+1cc to Mr.PT.S.Narendravasan, Advocate Sr.No.51973

+1cc to The Spl.Government Pleader Sr.No.52238

pjl

vb/skn/03.05.2017/3p/7c

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