



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.17377 of 2016

and

W.M.P (MD) No.12601 & 12602 of 2016

Essaki Ammal

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

2. The Thasildhar,
Ramanathapuram District,
Ramanathapuram.

3.Thangiah

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in Ni.Mu(A7)3963/2012 dated 12.08.2016 and quash the same.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.M.Alagathevan,
for R1 & R2 Special Government Pleader

For R3 : Mr.P.Senthur Pandian

O R D E R

This writ petition has been filed seeking a writ of certiorari, to quash the impugned proceedings of the first respondent in Ni.Mu(A7)3963/2012 dated 12.08.2016.

2. According to the petitioner, she owns the property in question and has been enjoying the possession. But, all of a sudden, without any notice or opportunity of hearing to her, the



first respondent has passed the present impugned order dated 12.08.2016, directing the second respondent to issue patta in favour of the third respondent, in respect of the said property. Aggrieved thereby, the present petition came to be filed.

3. On the other hand, the learned Counsel appearing for the third respondent stoutly refuted the contentions of the learned Counsel for the petitioner and has, on instructions, submitted that after some rounds of litigation, the title with regard to the property in question was decided in his favour and after following due process of law, the first respondent had directed the second respondent to issue patta in his favour.

4. Heard both sides and perused the documents placed on record.

5. While advancing the arguments, the learned Counsel for the petitioner took a stand that being a necessary party to the subject mentioned property, without affording an opportunity to put forth their case, the present impugned order came to be passed and now, he prays for an opportunity to the petitioner, before passing final orders, pursuant to the proceedings dated 12.08.2016, for which, there cannot be any serious objections.

6. Under such circumstances, this Court, while declining to interfere with the impugned order, directs the respondents 1 & 2 to provide an opportunity of hearing to the petitioner as well as the third respondent and all the other interested parties, if any and after perusing all the documentary evidence to be placed by all the parties, pass appropriate final orders in this subject matter, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Ramanathapuram District,

<https://hcservices.ramapct.in/>



2. The Thasildhar,
Ramanathapuram District,
Ramanathapuram.

+ 1 cc TO Mr.M.Jerin Mathew , Advocate in SR No. 87552
+ 1 cc TO Mr.P.Senthur Pandian , Advocate in SR No. 87876
+ 1 cc TO The Special Government Pleader in SR No. 87593

gk

AE/MR KKR/SAR4/30.11.2017/3P/6C

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