



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**and****THE HONOURABLE MRS.JUSTICE R.THARANI**Writ Petition (MD).No.417 of 2018andW.M.P(MD)No.427 of 2018

Jamal Mohamed

... Petitioner

Vs.

1.The District Collector,
Trichy, Trichy District.2.The District Revenue Officer, Trichy,
Trichy District.3.The Revenue Divisional Officer,
Srirangam,
Trichy, Trichy District.4.The Thasildar,
Marungapuri Taluk,
Trichy District.5.The Revenue Inspector,
Thuvarankurichi Part,
Marungapuri Taluk,
Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 05.12.2017 passed by the third respondent vide proceedings in Na.Ka.No.A4/3356/2017 and consequential impugned notice dated 04.01.2018 issued by the fifth respondent and quash the same and consequently direct the respondents 3 and 4 to restore the patta bearing patta No.700 comprised in Old S.F.No.261/2, New S.F.No.682/1 situated in Thuvarankurichi Village, Marungapuri Taluk, Trichy District, in the name of the petitioner's father Mohamed Abdullah, which was illegal and unlawfully cancelled by the fourth respondent violating the essential principles of natural justice based on the impugned order of the third respondent immediately within a time frame as fixed by this Honourable Court.



For Respondents

: Mr.D.Muruganandham,
Additional Government Pleader

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O R D E R

(Order of the Court was made by T.S.SIVAGNANAM,J.)

Heard Mr.B.Prahalad Ravi, learned counsel for the petitioner and Mr.D.Muruganandham, learned Additional Government Pleader for the respondents.

2. The petitioner has filed the present Writ Petition challenging the impugned order passed by the third respondent dated 05.12.2017, in and by which, the patta which was standing in the name of the petitioner's father, has been cancelled, on account of the Writ Petition filed by one Jamal Mohammed in W.P(MD)No.15620 of 2017, wherein he sought for a direction to the respondents 1 to 3 therein, to remove the encroachment and in the said writ petition, the petitioner herein, who also has the same name, Jamal Mohamed was arrayed as fourth respondent.

3. This Court has disposed of the said Writ Petition by order dated 05.09.2017, directing the second respondent therein to consider the representation given by the writ petitioner and in case there is an encroachment in respect of the land in S.F.No.682/1, action should be taken for removal of encroachment, whether it is by the petitioner or the fourth respondent or anybody else, by giving them opportunity to state their case.

4. Unfortunately, the third respondent did not properly consider the purport and nature of the direction issued by this Court and straight away proceeded to cancel the patta, by relying upon the order passed by this Court and the report, which was submitted by the fourth respondent, but, a copy of the said report dated 01.12.2017 has not been furnished to the petitioner and the petitioner did not have an opportunity to put forth his contentions as no show-cause notice has been issued.

5. Thus, for the above reasons, the impugned order is held to be vitiated on the above mentioned technical grounds.

6. In the result, the Writ Petition is allowed and the impugned order dated 05.12.2017 passed by the third respondent, is set aside and the matter is remanded to the third respondent, who shall issue show-cause notice to the petitioner, within seven days from the date of receipt of a copy of this order, giving fifteen days time to the petitioner, to submit his reply and after which, the third respondent shall conduct an enquiry and then pass a speaking order,



on merits and in accordance with law. No Costs. Consequently, connected Miscellaneous Petition is closed.

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/True Copy/

Sd/-

Assistant Registrar(Crl.Side)

Sub-Assistant Registrar

To:

1.The District Collector,
Trichy, Trichy District.

2.The District Revenue Officer, Trichy,
Trichy District.

3.The Revenue Divisional Officer,
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Trichy, Trichy District.

4.The Thasildar,
Marungapuri Taluk,
Trichy District.

5.The Revenue Inspector,
Thuvarankurichi Part,
Marungapuri Taluk,
Trichy District.

+One cc to M/s.B.Prahalad Ravi , Advocate, SR.No.51397

+One cc to The Special Government Pleader, SR.No.51291

pm

RL/8C/3P/KK/SAR4/8/3/2018

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