



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P. (MD) No.11940 of 2018

and

W.M.P. (MD) Nos.10897, 10898 & 14161 of 2018

WEB COPY

Mohammed Ibrahim

... Petitioner

vs.

1.The Revenue Divisional Officer,
Ramanathapuram District.

2.Tharujadhulla

3.Syed Abudhagir

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records of the impugned order passed by the first respondent in Mu.Mu.A6-3396/2018, dated 24.05.2018 and quash the same.

For Petitioner : Mr.AR.L.Sudaresan, Senior Counsel

For Mr.RM.Arun Swaminathan

For Respondents : Mr.S.Angappan

Government Advocate (Civil Side) for R1

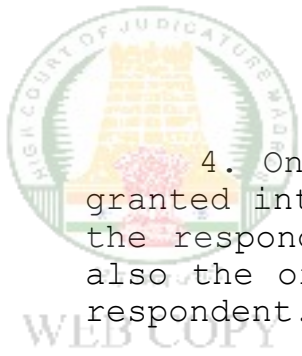
Mrs.Porkodi Karnan for R2 & R3

ORDER

The petitioner is aggrieved by the order, dated 24.05.2018, passed by the first respondent / Revenue Divisional Officer, Ramanathapuram, cancelling the Patta granted in favour of the petitioner by the Thasildar, Ramanathapuram.

2. According to the petitioner, notice of enquiry was served on him on the previous day of enquiry and the counsel representing him appeared in the enquiry fixed on 22.05.2018. On that day, it appears that a request was made on the petitioner's side for grant of some more time for producing relevant materials in respect of his claim for the Patta issued in his favour.

3. However, it appears that without granting any reasonable time or opportunity to the petitioner, the first respondent has reserved orders and passed final orders on 24.05.2018 transferring the Patta in favour of the respondents 2 and 3. Having been aggrieved by the orders passed by the first respondent, particularly not providing him reasonable opportunity to putforth his case, the petitioner is before this Court.



4. On 07.06.2018, this Court entertained the writ petition and granted interim order of stay. Against the said order, on behalf of the respondents 2 and 3, a vacate stay petition has been filed and also the original records have been produced on behalf of the first respondent.

5. From the materials made available and the pleadings available on record, this Court is of the considered view that no proper or reasonable opportunity has been afforded to the petitioner before a decision was taken by the first respondent. More over, no prejudice would be caused to the respondents 2 and 3, if a direction is issued to the first respondent to redo the exercise, after affording reasonable opportunity to all the parties concerned.

6. In view of the above, the writ petition is allowed and the impugned order, dated 24.05.2018, passed by the first respondent is set aside. The first respondent is directed to issue notice to both the petitioner as well as the respondents 2 and 3 and provide them reasonable opportunity of putting forth their respective claims and then pass a speaking order. Such an exercise shall be completed by the first respondent within a period of three months from the date of receipt of a copy of this order.

7. It is made clear that no party shall encumber the property before any final decision is taken by the first respondent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar (CS-II)

To:
The Revenue Divisional Officer,
Ramanathapuram District.

+1CC to M/s.Polax Legal Solutions in SR.No.78222.

KRK
DS/SKN-RSK/SAR-2 :13.08.2018: 2P/3C

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