



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P. (MD) No.19145 of 2018

and

W.M.P. (MD) No.16997 of 2018

S.Gowtham

... Petitioner

vs.

- 1.The District Collector
Office of District Collectorate
Dindigul District
- 2.The District Revenue Officer
Palani, Dindigul District
- 3.The Sub-Collector-cum-
Revenue Divisional Officer
Palani, Dindigul District
- 4.The Tahsildar
Palani, Dindigul District
- 5.RTI Officer / Deputy Tahsildar
Head Quarters, Palani
Dindigul District

... Respondents

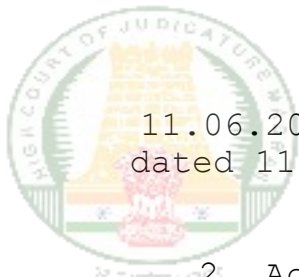
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for records of the impugned order in Roc.No.8204/2017/A6 dated 11.06.2018 passed by 3rd respondent as illegal, quash the same and consequently restrain the 4th respondent from changing the petitioner's Patta land which is situated at Vagarai Village, Palani Taluk, Dindigul in S.No.229 bearing an extent of about 5.5 acres and in S.No.229/1 bearing extent of about 2.70 acres as per the order of the 3rd respondent herein within a stipulated time.

For Petitioner : Mr.I.Abrar MD Abdullah

For Respondents : Mr.C.M.Mari Chelliah Prabhu

Additional Government Pleader

The grievance of the petitioner is that the third respondent, without giving adequate opportunity to him, has passed the order on



11.06.2018, which was adverse to his interest. The said order, dated 11.06.2018, passed by the third respondent, is impugned in this writ petition.

2. According to the petitioner, though he sought further time for producing additional documents in order to substantiate his claim, without considering the request, it appears that the third respondent has passed the order in violation of the principles of natural justice.

3. The learned counsel for the petitioner would submit that the petitioner would be satisfied, if the impugned order is set aside the matter is remitted back to the file of the third respondent to consider the claim of the petitioner afresh in regard to the subject matter by giving him due opportunity to submit additional documents in support of his claim.

4. Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader, takes notice for the respondents.

5. Though a larger prayer is sought in this writ petition, the learned counsel for the petitioner confines that the petitioner would be satisfied if the impugned order is set aside and the matter is remitted back to the file of the third respondent for fresh consideration.

6. In view of the limited relief sought, the writ petition is disposed of, at the admission stage itself, with the following order:

- i. The impugned order, in Roc.No.8204/2017/A6, dated 11.06.2018, passed by third respondent, is set aside only on the ground that no adequate opportunity has been afforded to the petitioner.
- ii. The matter is remitted back to the file of the third respondent for fresh consideration and the third respondent is directed to give due opportunity to the petitioner to submit additional documents in support of his claim and pass appropriate orders on the basis of the additional documents placed by the petitioner in support of his claim.
- iii. The third respondent is directed to issue notice to the petitioner in this regard, within a period of two weeks from the date of receipt of a copy of this order and pass appropriate orders on consideration of such additional documents, within a period of four weeks thereafter.



iv. No costs. Consequently, connected miscellaneous petition is closed.

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/True Copy/

Sd/-

Assistant Registrar(Crl.Side)

Sub Assistant Registrar(CS-I)

krk

To:

1.The District Collector,
Office of District Collectorate,
Dindigul District.

2.The District Revenue Officer,
Palani, Dindigul District.

3.The Sub-Collector-cum-
Revenue Divisional Officer,
Palani, Dindigul District.

4.The Tahsildar,
Palani, Dindigul District.

5.RTI Officer / Deputy Tahsildar,
Head Quarters, Palani,
Dindigul District.

+1cc to Mr.J.Senthil Kumaraiah, Advocate in SR No.81966

+1cc to Spl Government Pleader SR No.82523

W.P. (MD) No.19145 of 2018

and

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NM/SV/SAR 1/26.09.2018/3P/8C



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