



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.6583 of 2011

and

M.P(MD)No.2 of 2011

Karuppiah

... Petitioner

vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Vedasanthur Taluk,
Dindigul District.

3.Anbarasu

4.Ravi

5.Selvaraj

6.Theivanaiyammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari, to call for the records relating to Patta No.3119 issued by the second respondent on 12.11.2008 and consequential order dated 26.10.2009 passed by the second respondent and quash the same illegal.

For Petitioner : Mr.K.Neelamegam

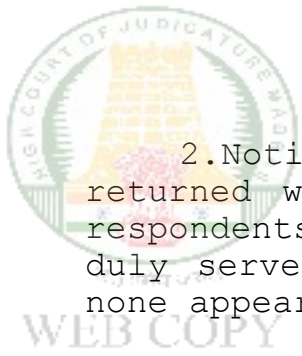
For RR 1 & 2 : Mr.B.Bhagawathi,
Government Advocate

For R - 3 : No such addressee

For RR 4 to 6 : No appearance

ORDER

Mr.K.Neelamegam, learned counsel on record for writ petitioner and Mr.B.Bhagawathi, learned Government Advocate for respondents 1 and 2 (official respondents) are before this Court.



2. Notice sent to third respondent (private respondent) has been returned with an endorsement 'no such addressee'. With regard to respondents 4 to 6, who are private respondents, notices have been duly served and they have entered appearance through counsel, but none appeared.

3. In the aforesaid backdrop, with consent of aforementioned learned counsel, main writ petition is taken up, heard out and is being disposed of. To be noted this Writ Petition can be disposed of by passing an order, which is not adverse to the rights of third respondent.

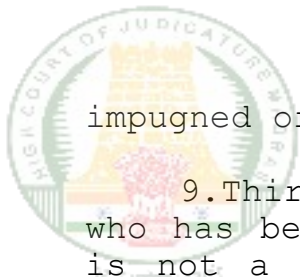
4. Subject matter of instant Writ Petition is 'land admeasuring 1.28.5 hectares in Ayyaloor Village, Vedasanthur Taluk, Dindigul District' (hereinafter referred to as 'said land' for brevity). Patta for said land originally stood in the name of writ petitioner. Thereafter, fourth respondent before this Court ie., K.Ravi petitioned the revenue authorities by way of representation dated 13.08.2007 and moved this Court by way of Writ petition being W.P (MD)No.9172 of 2007 alleging inaction on the part of official respondent therein and the same came to be disposed of by an order dated 14.10.2008 and this order was to the effect that representation of fourth respondent herein dated 13.08.2007 is to be disposed of in accordance with law within the time frame mentioned therein.

5. It is the case of writ petitioner that post aforementioned events, a new patta in the names of wife and sons of one Karuppiah (respondents 4, 5 and 6) came to be issued. To be noted, father of respondents 4 and 5 and spouse of sixth respondent is Late.Karuppiah and writ petitioner Karuppiah (S/o.Late.Venkan Ambalam) are different persons.

6. This new patta bears No.3119. Thereafter zonal Deputy Tahsildar who is under the second respondent has passed an order dated 26.10.2009. Assailing 'order dated 26.10.2009 made in Na.Ka.No.27315/08/Aa3 passed by the second respondent' (hereinafter referred to as 'impugned order' for brevity) and patta No.3119 instant Writ Petition has been filed.

7. Notwithstanding several averments made in the affidavit filed in support of this writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner in the hearing focuses on one lone aspect of the matter and that one lone aspect of the matter is patta and impugned order came to be passed without notice to writ petitioner.

8. In the hearing today, there is nothing to demonstrate that <https://www.services.equestgdn.in/services/> has been put on notice before issue of patta and



impugned order.

9.Third respondent is the then Tahsildar, Vedasanthur Taluk, who has been named. As allegations of malafide are not pressed, he is not a necessary party. This is the reason why this Court has mentioned elsewhere supra in this order that this Writ Petition can be disposed of by passing an order which is not adverse to the rights of third respondent.

10.The following order is passed:

a) Impugned order being order dated 26.10.2009 made in Na.Ka.No.27315/08/Aa3 made by the second respondent and patta No.3119 are set aside. It is made clear that patta and impugned order are set aside solely on the ground that they came to be issued / passed without notice to writ petitioner. In other words, patta and impugned order are set aside without expressing any opinion or view on the merits of the matter.

b) The second respondent shall now issue notice to writ petitioner as well as respondents 4 to 6, give them a reasonable opportunity and issue patta afresh / pass orders afresh on merits of the matter and in accordance with law.

c) The aforesaid exercise shall be completed by second respondent as expeditiously as possible and in any event within a period of eight weeks from the date of receipt of a copy of this order.

11.Instant Writ Petition is allowed with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Ps

To

1.The District Collector,
Dindigul District,
Dindigul.



2.The Tahsildar,
Vedasanthur Taluk,
Dindigul District.

+1 CC to M/s.M.RAMADHAS, Advocate (SR-97094[F] dated 08/11/2019)

WEB COPY

W.P (MD) No. 6583 of 2011
08.11.2019

JMN(22.11.2019) 4P : 4C