



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN****W.P. (MD)No.3306 of 2019 and****W.P. (MD)No.1138 of 2017****and****W.M.P. (MD)No.2598 of 2019 and****W.M.P. (MD)Nos.963 964, 965 of 2017****W.P. (MD)No.3306 of 2019**

M.Muthu Mukesh Kumar

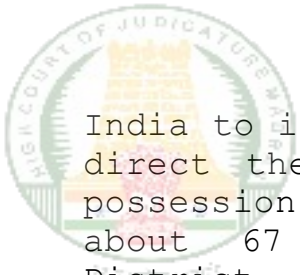
... Petitioner

Vs

1. State of Tamil Nadu,
represented by its Secretary,
Department of Revenue,
Fort St.George,
Chennai -9.
2. The Commissioner of Land Reforms,
O/o.The Commissioner of Land Reforms,
Chepauk,
Chennai-5.
3. The Assistant Commissioner (Land Reforms)
O/o.The Assistant Commissioner (Land Reforms)
Tirunelveli.
4. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.
5. The Thasildar,
Ettayapuram Taluk,
Tuticorin District.
6. The Executive Officer,
Selection grade Town panchayat,
Ettayapuram,
Tuticorin District.

... Respondents

<https://hcservices.ecourts.gov.in/hcservices/>**PRAYER:** Petition filed under Article 226 of the Constitution of



India to issue a Writ of Mandamus directing the respondent No.4 to direct the respondent No.6 not to interfere with the peaceful possession and enjoyment of subject property in S.No.365/3 extent about 67 cents situated at Ettayapuram Village, Tuticorin District.

WEB COPY

W.P. (MD) No.1138 of 2017

M.Muthu Mukesh Kumar

... Petitioner

Vs

1. State of Tamil Nadu,
represented by its Secretary,
Department of Revenue,
Fort St.George,
Chennai -9.
2. The Commissioner of Land Reforms,
O/o.The Commissioner of Land Reforms,
Chepauk,
Chennai-5.
3. The Assistant Commissioner (Land Reforms)
O/o.The Assistant Commissioner (Land Reforms)
Tirunelveli.
4. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.A1/8847/2013 on the file of the respondent No.4 dated 23.09.2016 and quash the same as illgal and consequently for a direction, directing the respondents to carry out the name of the petitioner in the "A"Registrar Extract in respect of the Land to an extent of 67 Cents situated in S.No.365/3, Ettayapuram Village, Tuticorin District and issue computerized Patta for the same within the time period stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondents

: Mr.M.Rajarajan

Government Advocate

**COMMON ORDER**

Thiru.Muthiah was granted assignment of 76 cents of land on 25.02.1978. However, it was not carried out in the revenue records. Therefore, his son filed W.P.(MD)No.3306 of 2019. In the meanwhile, the assignment itself was cancelled on 23.09.2016 by the Revenue Divisional Officer, Kovilpatti. That order is under challenge in W.P.(MD)No.1138 of 2017.

2.This Court posed a specific question to the learned Government Advocate as to whether any show cause notice was issued prior to passing the order of cancellation. Though the learned Government Advocate would claim that in the file there is a statement attributed to Thiru.Muthiah, he is not in a position to produce any show cause notice. When an assignment order is sought to be cancelled, certainly the assignee must be issued with a show cause notice and that should be followed by an enquiry. In this case no such notice is in the file.

3.Therefore, I come to the conclusion that the principles of natural justice have been violated. In this view of the matter, the order dated 23.09.2016 passed by the Revenue Divisional Officer, Kovilpatti is quashed. The matter is remitted to his file to pass orders on merits and in accordance with law.

4.Accordingly, W.P.(MD)No.1138 of 2017 is allowed with this liberty to the fourth respondent.

5.In this view of the order allowing W.P.(MD)No.1138 of 2017, no orders are necessary to be passed in W.P.(MD)No.3306 of 2019. Therefore, W.P.(MD)No.3306 of 2019 is closed.

6.The rights of the writ petitioner will abide by the outcome of the enquiry to be conducted by the Revenue Divisional Officer, Kovilpatti. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Secretary,
State of Tamil Nadu,
Department of Revenue,
Fort St.George,
Chennai -9.
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O/o.The Commissioner of Land Reforms,
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Kovilpatti,
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Tuticorin District.
6. The Executive Officer,
Selection grade Town panchayat,
Ettayapuram,
Tuticorin District.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-61252 & 61254[F] dated
16/04/2019)

+1 CC to MR.T.LAJAPATHI ROY, Advocate (SR-61377[F] dated
16/04/2019)

W.P. (MD) No.3306 of 2019 and
W.P. (MD) No.1138 of 2017
15.04.2019

AE/ (13.05.2019) 4P 9C