



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.3789 of 2019

and

W.M.P. (MD) No.2969 of 2019

G.Pandiammal

... Petitioner

Vs

1.The District Revenue Officer,
Madurai District.

2.The Tahsildar,
Madurai North Taluk, Madurai.

3.K.Arumugam

4.R.Amaran

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in Ni.Mu.No.54148/2017/G5 dated 31.01.2019 on the file of the first respondent and quash the same and further directing the second respondent to restore the patta of the property bearing S.No.32/5B, Thiruppalai Village, Madurai North Taluk and measuring about 0.03.00 (7.41 cents) in the name of the petitioner.

For Petitioner : Mr.G.Prabhu Rajadurai

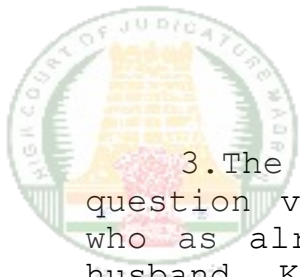
For R1 and R2 : Mr.M.Karuppasamy
Government Advocate

For R3 and R4 : Mr.M.Ponniah

ORDER

Heard the learned counsel on either side.

2.The property in question, originally stood in the name of Karuppana konar in the revenue records. The said Karuppana konar had two sons namely K.Arumugam and K.Gopal. The said Karuppana Konar died long back. During UDR, the subject property came to stand in the name of K.Gopal. The said K.Gopal executed a settlement deed in favour of the writ petitioner Pandiammal who is his wife, in the year 2013. The said K.Gopal has since passed away. Thereafter, the patta was changed in the name of G.Pandiammal.



3.The fourth respondent herein purchased the property in question vide two sale deeds from the third respondent K.Arumugam who as already indicated is the brother of the writ petitioner's husband K.Gopal. The third respondent herein submitted an application before the District Revenue Officer, Madurai, contending that the property was erroneously shown as belonging to K.Gopal during UDR and that it should be rectified. In the said proceedings initiated by the third respondent before the District Revenue Officer, Madurai, the writ petitioner got herself impleaded. Along with the impleading application, she filed quite a few documents. The primary grievance of the writ petitioner is that without considering the said materials on record placed by the writ petitioner, the impugned order came to be passed to her prejudice.

4.After hearing the learned counsel on either side without going into the merits of the matter, I am of the view that the order impugned in this writ petition will have to be quashed and the matter is remanded to the file of the first respondent for fresh consideration. This is for the reason that the writ petitioner's case, though very much available on record, was not considered.

5.When the writ petitioner had filed an impleading application and also filed some documents, the first respondent ought to have taken note of the same. The first respondent in this case has proceeded on an ex-parte basis. Since property rights are involved, the petitioner deserves to be given one more opportunity. The parties herein namely the writ petitioner and the respondents 3 and 4 shall appear before the first respondent on 13.05.2019 at 3.00 p.m. The first respondent shall conclude the entire proceedings on merits and in accordance with law within a period of three months thereafter.

6.Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Revenue Officer,
Madurai District.

2.The Tahsildar,
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai North Taluk, Madurai.



+1cc to Mr.M.PONNIAH, Advocate, SR.No. 62352
+1cc to Mr.G.PRABHU RAJADURAI, Advocate, SR.No.62392
+1cc to M/s.Special Government Pleader,SR.No. 62461

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