



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P (MD)No.6787 of 2020

and

W.M.P. (MD) .Nos.6183 and 6184 of 2020

Periya Chidambaram

.. Petitioner

Vs.

1. The Commissioner of Revenue Administration,
Chepauk, Chennai- 600 005.
2. The District Revenue Officer,
Pudukkottai District, Pudukkottai.
3. The Revenue Divisional Officer,
Pudukkottai, Pudukkottai District.
- 4 . The Tahsildar,
Thirumayam, Pudukkottai District.
5. P.V.Saravanan
District Revenue Officer,
Pudukkottai District, Pudukkottai.
6. Annamalai @ Kasi Chettiar
7. Ramanathan Chettiar
8. Karuppaiah
9. Pichaikutty

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd Respondent in Ni.Mu./4734/2017(D5), dated 27/04/2020, quash the same and direct the respondents 2 to 4 to restore Patta for S.No.300/1 measuring 1.73.5 Hectares, S.No.301/3 measuring 0.45.0 Hectares and S.No.301/9 measuring 1.32.5 Hectares of Panangudi Village, Thirumayam Taluk, Pudukkottai District in the name of the petitioner.

For Petitioner : Mr.M.Saravanan

For Respondents 1 to 4 : Mr.M.Raja Rajan

Additional Government Pleader



For Respondents 5 to 8 : Mr.N.Bala Krishnan

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Manadamus, to call for the records pertaining to the impugned order passed by the 2nd Respondent in Ni.Mu./4734/2017 (D5), dated 27/04/2020, quash the same and direct the respondents 2 to 4 to restore Patta for S.No.300/1 measuring 1.73.5 Hectares, S.No.301/3 measuring 0.45.0 Hectares and S.No.301/9 measuring 1.32.5 Hectares of Panangudi Village, Thirumayam Taluk, Pudukkottai District in the name of the petitioner.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the respondents 5 to 8.

3. When the matter is taken up for hearing, it is admitted by both the parties that the person, who has heard the matter and the person, who has passed the final order are different. The authority, without hearing the parties concerned, has passed the order based on the records alone. Such practice is not permissible. Hence, this Court, on that score, is like to interfere with the order impugned in this writ petition and set aside the same and remitted the matter back to the authority concerned to decide the same in accordance with law, after giving opportunity to both the parties. In order to reach finality in this case, the Government must ensure that the person, who heard the matter alone should pass the final order. There is no reason as to why the very same officer, who heard the matter, was not allowed to pass final order and the subsequent officer could not given any opportunity to the parties before passing final orders.

4. Accordingly, this Writ Petition stands allowed and the order impugned in this writ petition is set aside and the matter is remitted back to the authorities concerned to decide the same in accordance with law, after affording sufficient opportunity to the parties concerned, within a period of sixty days from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner of Revenue Administration,
Chepauk, Chennai- 600 005.
2. The District Revenue Officer,
Pudukkottai District, Pudukkottai.
3. The Revenue Divisional Officer,
Pudukkottai, Pudukkottai District.
- 4 . The Tahsildar,
Thirumayam, Pudukkottai District.

+1 CC to SGP (SR-26103[F] dated 17/12/2020)

+1 CC to MR.M.SARAVANAN, Advocate (SR-26137[F] dated 18/12/2020)

W.P (MD) No. 6787 of 2020

16.12.2020

NA (CO)

NR (30/12/2020) 3P : 7C