



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.18241 of 2019

1.K.Ramamoorthi
2.M.Rajkumar
3.N.Ratha
4.R.Premkumar
5.S.Chandrasekaran

: Petitioners

Vs.

1.The District Collector
Madurai District,
Madurai.
2.The Revenue Divisional Officer,
Madurai District,
Madurai.
3.The Tahsildar
Madurai North Taluk,
Madurai District.
4.The Executive Engineer,
Public Works Department,
Periyar - Vaigai Basin Division)
Tallakulam,
Madurai.

: Respondents

(4th respondent is impleaded vide Court order,
dated 09.12.2020 made in WMP(MD) No.12462 of 2020)

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus, to Call for the records on the file of the third respondent in connection with the impugned order passed by him in O.Mu.No.3798/2019/Aa2 dated 05.07.2019, quash the same as arbitrary and consequently direct the respondents to issue joint patta in favour of the petitioners for the land comprised in Re-Survey No.134/2A1, T.S.No.92 to an extent of 1 Acre 60 cents situated in Tallakulam Village, Madurai North Taluk, Madurai District.

For Petitioners : Mr.G.Thalaimutharasu

For Respondents 1 to 4 : Mr.K.P.Krishna Dass,
Special Government Pleader



ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The only point raised by the learned counsel for the petitioners is that the impugned order has been passed, though on the request made by the petitioners, without conducting any enquiry and after affording opportunity.

2.We have perused the impugned order. Inasmuch as the petitioners made a request, the respondent ought to have issued notice to the petitioners, asking them to furnish the documents insofar as their contention is concerned.

3.In such view of the matter, the impugned order stands set aside. Consequently, the third respondent is directed to issue a notice of personal hearing to the petitioners asking them to furnish the documents in support of their request and upon perusing the same and after conducting an enquiry, appropriate final orders will have to be passed. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4.With the above direction, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The District Collector
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Madurai District,
Madurai.
- 3.The Tahsildar
Madurai North Taluk,
Madurai District.
- 4.The Executive Engineer,
Public Works Department,
Periyar - Vaigai Basin Division)
Tallakulam,



Madurai.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-14651[F] dated 31/03/2021)

+1 CC to M/s.SPL GP (SR-14826[F] dated 31/03/2021)

Order made in
W.P. (MD) No.18241 of 2019
Dated: 30.03.2021

GS (23.04.2021) 3P 7C