



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P (MD)No.2931 of 2017

and

W.M.P. (MD) .Nos.2377 and 2378 of 2017

1.V.Subramanian
2.C.Ravi @ Ravichandran ... Petitioners
vs.

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.
3. The Tahsildar,
Peravurani,
Thanjavur District.
4. The Head Surveyor,
Peravurani,
Taluk Office,
Thanjavur District.

5.Gajendran ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 13.02.2015 passed by the third respondent in Pa.Ma.62/2015/6II and quash the same and consequently directing the respondents 3 and 4 to cancel the sub division made in the property in Old Survey Nos.127-7B & 124-7C now sub-divided by Survey Nos.124-7B1, 124-7B2, 124-7C1 and 124-7C2 in Kalanivasal Village, Peravurani Taluk, Thanjavur District.

For Petitioners	: Mr.M.P.Senthil
For R1 to R4	: Mr.R.Suresh Kumar Government Advocate
For R5	: Mr.N.Balakrishnan



O R D E R

This writ petition has been filed challenging the proceedings of the third respondent, dated 13.02.2015.

2. The case of the petitioners is that the subject properties were held jointly and a joint patta was also issued by the Tahsildar in Patta No.314, in the year 1999. The further case of the petitioners is that the fifth respondent made an application before the third respondent for sub-division and sought for a separate patta. The grievance of the petitioners is that the third respondent without issuing any notice and without conducting any enquiry, proceeded to pass the impugned order dated 13.02.2015 and as a result of the same, the property has been subdivided and separate patta has been issued in favour of the fifth respondent with respect to two subdivided properties. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard Mr.M.P.Senthil, learned counsel appearing for the petitioner, Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents 1 to 4 and Mr.N.Balakrishnan, learned counsel appearing for the fifth respondent.

4. It is not necessary for this Court to go into the merits of the case, since the main issue that has been raised before this Court is that the third respondent, while issuing the impugned proceedings, did not give notice to the other parties and a decision was taken behind their back. In short, the impugned proceedings of the third respondent is questioned on the ground of violation of principles of natural justice.

5. A careful reading of the impugned order passed by the third respondent shows that the fifth respondent has made an application before the third respondent on 10.02.2015 and the impugned order has been passed on 13.02.2015. Surprisingly a reference has been made to the report dated 16.02.2015. It is not known as to how the order that was passed on 13.02.2015, can rely upon a report dated 16.02.2015. That itself shows the haste with which the impugned order has been passed by the third respondent.

6. The order passed by the third respondent on the face of it is illegal and it is also vitiated since it was passed in violation of the principles of natural justice.

7. In view of the above discussion, the impugned order passed by the third respondent dated 13.02.2015, is hereby quashed. There shall be a direction to the third respondent to issue fresh notice to the petitioners and the fifth respondent and conduct an enquiry and take a decision on its own merits and in accordance with law and pass final orders, within a period of eight weeks from the date of receipt of a copy of this order.



8. This Writ Petition is accordingly allowed, with the above directions. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 District Collector,
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Thanjavur District.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-22715[F] dated 15/07/2021)
+1 CC to M/s.SPL GP (SR-22672[F] dated 15/07/2021)

W.P (MD) No.2931 of 2017
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RC (23.07.2021) 3P-7C