



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI
W.P. (MD)No.15000 of 2010

and

M.P. (MD)Nos.1 of 2011 and 2 of 2010

M.Chandrasekaran

... Petitioner

versus

1. The District Collector,
Madurai District,
Madurai.

2. The Revenue Development Officer,
Madurai District, Madurai.

3. The Tahsildhar,
Madurai South Taluk,
Madurai.

4. Noor Mohamed Khan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records from the second respondent in Proceedings in Ni.Mu.No.11309/2010/N, dated 15.12.2010 and quash the same.

For Petitioner : No appearance

For R1 to R3 : Mr.A.Baskaran,
Additional Government Pleader

For R4 : Mr.N.Mohideen Baskar

ORDER

This writ petition is filed as against the order dated 15.12.2010 passed by the second respondent/the Revenue Divisional Officer, Madurai, cancelling the patta granted to the petitioner.



2. The petitioner has purchased a piece of land in Survey No.43/5B to an extent of 0.0257 sq. metre. On the application made by the petitioner, patta was originally granted to the petitioner to an extent of 0.0314 sq. metre. On the protest petition filed by the fourth respondent, the second respondent/Revenue Divisional Officer, Madurai, by the order impugned in this writ petition, cancelled the patta which was granted to the petitioner in excess. Aggrieved over the same, the present writ petition has been filed on the ground that the impugned order has been passed without providing any notice to the petitioner.

3. Today, when the matter is called, there is no representation for the petitioner.

4. According to the learned Government Advocate appearing for the respondent Nos.1 to 3, notice was provided to the petitioner before passing the impugned order.

5. Though the learned Government Advocate appearing for the respondent Nos.1 to 3 submits that notice was provided to the petitioner, no documents have been placed before this Court that any notice has been provided to the petitioner. Therefore, on this ground alone, the impugned order is liable to be set aside.

6. Accordingly, the writ petition is allowed and the order dated 15.12.2010 passed by the second respondent/the Revenue Divisional Officer, Madurai, is hereby set aside. The second respondent is directed to conduct a fresh enquiry, after providing opportunity to the petitioner as well as to the fourth respondent and conclude the proceedings, within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The District Collector,
Madurai District, Madurai.
2. The Revenue Development Officer,
Madurai District, Madurai.
3. The Tahsildhar,
Madurai South Taluk, Madurai.

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SP/27/05/2022/3P/4C