



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.9813 of 2012 and
M.P. (MD) .No.1 of 2012

E.G.Ganesan

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The District Revenue Officer,
Trichy District, Trichy.

3.The Tahsildar,
Manachanallur,
Trichy District.

4.The Joint Commissioner,
Arulmighu Mariamman Kovil Thirukovil,
Samayapuram,
Trichy District.

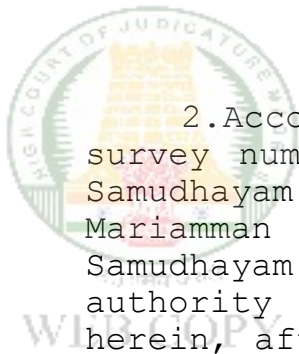
... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the order, dated 07.05.2012, in Na.Ka.Aa.5-9874-2012 passed by the 1st respondent and to quash the same.

For Petitioner : Mr.Anwar Sameem
for M/s.E.Udhaya
For R-1 to R-3 : Mr.S.Shanmugavel
Additional Government Pleader
For R-4 : Mr.K.Govindarajan

O R D E R

The present Writ Petition has been filed challenging the order passed by the first respondent herein under which the order of the second respondent herein was set aside and the name of the fourth respondent was incorporated in the revenue records in the place of the writ petitioner Samudhayam.



2. According to the learned Counsel for the petitioner, the survey numbers of properties in dispute belongs to the petitioner Samudhayam. During UDR proceedings by mistake, it was mutated as Mariamman Kovil Mandagapadi Dharmam. Hence, the petitioner Samudhayam approached the second respondent who is the competent authority to rectify the said mistake. The second respondent herein, after conducting a detailed enquiry deleted the name of the Mandagapadi Dharmam and incorporated the name of the writ petitioner Samudhayam. Thereafter, the fourth respondent Temple by way of a representation, dated 16.04.2012, has approached the first respondent to cancel the order passed by the DRO.

3. The first respondent namely the District Collector without hearing the petitioner Samudhayam had proceeded to pass an order on merits with a direction to delete the petitioner Samudhayam name from the revenue records and to incorporate Mariamman Kovil Mandagapadi Dharmam. The said order is under challenge in the present Writ Petition.

4. The learned Counsel for the petitioner has contended that without hearing the writ petitioner Samudhayam, the impugned order has been passed by the first respondent.

5. Per contra, the learned Counsel for the fourth respondent has contended that the second respondent while passing the order has not heard the fourth respondent.

6. Admittedly, the impugned order in the writ petition, dated 07.05.2012, has been passed by the first respondent herein without issuing any notice to the petitioner Samudhayam.

7. On the ground of violation of principles of natural justice, the impugned order is set aside and the matter is remitted back to the file of the first respondent herein. The first respondent shall conduct a fresh enquiry after giving due opportunity and personal hearing for both the writ petitioner and the fourth respondent Temple and pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above said observation, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

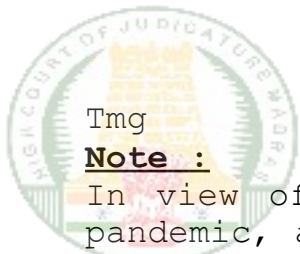
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar (CS)



Tmg

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,
Trichy District, Trichy.
- 2.The District Revenue Officer,
Trichy District, Trichy.
- 3.The Tahsildar,
Manachanallur,
Trichy District.
- 4.The Joint Commissioner,
Arulmighu Mariamman Kovil Thirukovil,
Samayapuram,
Trichy District.

+1 CC to M/s.SPL.GP (SR-27694[F] dated 23/06/2022)

+1 CC to M/s.K. GOVINDARAJAN, Advocate (SR-27895[F]
dated 24/06/2022)

W.P. (MD) .No.9813 of 2012
22.06.2022

RD(01.07.2022) 3P 7C