

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.5051 of 2013

and

M.P(MD)No.2 of 2013

1.Masilamani

2.Pandiyarajan

3.Ilakkuvan

4.Raman

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Madurai @ Madurai District.

2.The Tahsildar,
Madurai South Taluk,
Madurai.

3.Vettaiammal @ Chellammal

... 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 impugned order passed by the first respondent in his proceedings in நி.மு.எண்.10140/2010/என். dated 27.02.2013 and quash the same.

For Petitioners : Mr.N.Sathish Babu
For R1 & R2 : Mr.M.Lingadurai
Special Government Pleader
For R3 : Mr.V.Baskaran

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which the patta standing in the name of the writ petitioner was transferred to the name of the third respondent.

2. According to the petitioners, they are the owners of the property and patta was also granted in their favour in Patta No.342. The third respondent has filed an appeal before the first respondent herein challenging the grant of patta in favour of the writ petitioner. The writ petitioner has engaged a counsel to appear before the first respondent. The appeal was listed before the first respondent on various dates and the case was adjourned on the ground that there was no sitting of the Presiding Officer. Suddenly, the case was listed on 22.01.2013. Due to some personal inconvenience, the Advocate could not appear for the writ petitioners and the present ex-parte order has been passed. Hence, the

petitioner has prayed for setting aside the impugned order and remitting it back to the file of the first respondent herein.

3. Per contra, the learned counsel for the third respondent had contended that the petitioner has nothing to do with the disputed property and several opportunities were granted to the writ petitioners by the first respondent. Since they have not appeared on various occasions, the first respondent was forced to pass the present ex-parte order. Hence, he prayed for dismissing the writ petition.

4. I have carefully considered the submissions made on either side.

5. Admittedly, a patta has been granted in favour of the writ petitioner in Patta No.342. The said order has been challenged by the third respondent herein before the first respondent. As per the averments in Paragraph No.4 of the affidavit, the matter was listed on various occasions, but could not be taken up by the Presiding Officer due to his pre-occupation in other official duties. However, on 22.01.2013, when the matter was listed, the learned counsel for the writ petitioners could not appear on the said date and the present impugned order has been passed on 27.02.2013.

6. Considering the facts and circumstances of the case and in the interest of justice, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the first respondent herein and the first respondent shall pass orders on merits and in accordance with law, after giving due opportunity to the writ petitioner and the third respondent herein. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. Outer time limit fixed by this Court shall be adhered to strictly. The parties are directed to co-operate for the enquiry before the first respondent herein.

7. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

07.09.2022

Index : Yes / No
Internet : Yes / No

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To

- 1.The Revenue Divisional Officer,
Madurai @ Madurai District.
- 2.The Tahsildar,
Madurai South Taluk,
Madurai.

W.P(MD)No.5051 of 2013

R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.5051 of 2013

Dated:
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