



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.6612 of 2022

and

W.M.P. (MD) .Nos.5105, 5106 and 5107 of 2022

1.Gurusamy

2.Elamparithy

... Petitioners

Vs.

1.State represented by
The District Revenue Officer,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Tirumangalam,
Madurai District.

3.The Tahsildar,
Madurai South Taluk,
Madurai District.

4.The Zonal Deputy Tahsildar,
Tiruparankundram Taluk,
Madurai District.

5.Pitchaiammal

6.Rajamani

7.Indhirani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the second respondent in Mu.Mu. No.1636/2019/A3 dated 13.02.2020 and the proceedings of the first respondent in Ni.Mu.No.12438/2020/G2 dated 22.02.2022 and quash the same as illegal and consequently direct the first respondent to conduct a fresh enquiry by providing opportunity to the petitioners and complete the enquiry within the time frame fixed by this Court.



For Petitioners : Mr.R.Senthil Kumar
For R-1 to R-4 : Mr.M.Lingadurai,
Special Government Pleader.

ORDER

WEB COPY

This Writ Petition has been filed challenging the order dated 22.02.2022 passed by the first respondent under which the petitioners' statutory appeal was rejected on the ground that they failed to appear in the proceedings.

2. According to the petitioners, only due to COVID-19 pandemic, they could not appear before the first respondent and only on that ground, they have filed this Writ Petition. It is the contention of the petitioners that in so far as the merits of the matter is also concerned, they have a good case on merits. According to them, they are the absolute owners of the property, but the respondents 5 to 7 have illegally obtained transfer of patta in their names. According to the petitioners, they must be given an opportunity of hearing by the first respondent.

3. Admittedly, the statutory appeal filed by the petitioners before the first respondent has been rejected on 22.02.2022 only on the ground that the petitioners did not appear during the hearings even after the receipt of the notices sent by the first respondent. However, the reason given by the petitioners is that only due to COVID-19 pandemic, they did not attend the hearings. The reasons given by the petitioners is satisfactory. Further, the petitioners have also filed several documents along with the Writ Petition to substantiate their claim that erroneously, the second respondent has issued an order dated 13.02.2020, under which, the patta was transferred in favour of the respondents 5 to 7. The petitioners should not suffer, if they have a genuine case on merits.

4. Since the petitioners were not heard in the impugned proceedings of the first respondent dated 22.02.2022, this Court is of the considered view that the matter should be re-heard by the first respondent due to the aforementioned reasons.

5. For the foregoing reasons, the impugned order dated 22.02.2022 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration and the first respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioners as well as the respondents 5 to 7 and any other necessary party, whom the first respondent deems fit to enquire, within a period of four (4) months from the date of receipt of a copy of this order.



6. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

- 1.The District Revenue Officer,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Tirumangalam,
Madurai District.
- 3.The Tahsildar,
Madurai South Taluk,
Madurai District.
- 4.The Zonal Deputy Tahsildar,
Tiruparankundram Taluk,
Madurai District.

+1 CC to M/s.R. SENTHILKUMAR, Advocate (SR-17844[F] dated 11/04/2022)

+1 CC to M/s.SPL.GP (SR-17917[F] dated 11/04/2022)

W.P. (MD) .No.6612 of 2022
08.04.2022

RK(21/04/2022) 3P 7C