



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.8309 of 2022

and

W.M.P.[MD]No.6182 of 2022

WEB COPY

1.Duraisamy

2.Xavior

... Petitioners

/Vs./

1.The District Revenue Officer,
Pudukkottai District.

2.The Revenue Divisional Officer,
Illuppur Taluk,
Pudukkottai District.

3.The Tahsildar,
Illuppur Taluk,
Pudukkottai District.

4.The Chief Educational Officer,
Pudukkottai Educational District,
Pudukkottai.

5.S.Yagappa Pillai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified mandamus calling for the records pertaining to the impugned order of the 1st respondent in Ni.Mu.14767/2017 (d3) dated 11.02.2019 and quash the same and consequently direct the 1st respondent to issue patta in favour of the petitioners for the property in survey No.75/4B situated at Panampatti, Iluppur Taluk, Pudukkottai District.

For Petitioners : Mr.J.Anandkumar
For R1 to R4 : Mr.M.Lingadurai,
Special Government Pleader.

ORDER

This writ petition has been filed challenging the order dated 11.02.2019 passed by the first respondent rejecting the application submitted by the petitioners seeking for cancellation of the patta standing in the name of the fifth respondent.

2.The petitioners have challenged the impugned order on the ground of violation of principles of natural justice. According to them, no opportunity of hearing was granted in the impugned



proceedings. The learned counsel appearing for the petitioners drew the attention of this Court to the impugned order.

3. Heard Mr.J.Anandkumar, learned Counsel for the writ petitioners and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the official respondents.

4. As seen from the impugned order, no opportunity of hearing has been granted to the petitioners. Therefore, the impugned order has to be necessarily quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law.

5. Accordingly, the impugned order dated 11.02.2019 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration. The first respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioners, the fifth respondent 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. It is made clear that this Court is not expressing its opinion on the merits of the matter.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer (CS-I)

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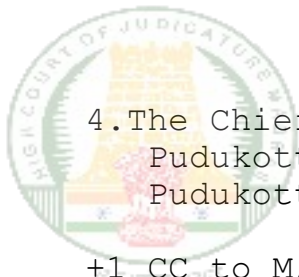
/ /2022

Sub Assistant Registrar(CS)

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TO

1. The District Revenue Officer,
Pudukkottai District.
2. The Revenue Divisional Officer,
Illuppur Taluk,
Pudukkottai District.
3. The Tahsildar,
Illuppur Taluk,
Pudukkottai District.



4.The Chief Educational Officer,
Pudukottai Educational District,
Pudukottai.

+1 CC to M/s.J. ANANDKUMAR, Advocate (SR-21802[F] dated
27/04/2022)

+1 CC to M/s.SPL. GP (SR-23002[F] dated 29/04/2022)

W.P.[MD]No.8309 of 2022
27.04.2022

SRK (CO)
KB (17.05.2022) 3P 7C