



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.9119 of 2022

and

W.M.P. [MD]Nos.6528 & 6529 of 2022

WEB COPY

1.Arumugam
2.Parvatham

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Madurai District.

2.The Tahsildar,
Kallikudi Taluk,
Madurai District.

3.Suganthi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order dated 11.04.2022 in Moo.Mu.No.1083/2022/A3 passed by the second respondent and quash the same.

For Petitioner : Mr.J.Barathan
For Respondents : Mr.A.Kannan
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned order dated 11.04.2022, under which an order has been passed by the second respondent to transfer the patta for the subject property in favour of the third respondent.

2.The petitioners have challenged the impugned order on the ground of violation of principles of natural justice. Learned Counsel for the petitioners would submit that the petitioners have already filed a Civil suit against the third respondent which is pending. He would submit that even though the pendency of the civil suit is very much reflected in the impugned order as Sl.No.3, no notice of hearing was afforded to the petitioners in the impugned proceedings. He would further submit that a suit for declaration has been filed against the third respondent.

3.Learned Additional Government Pleader appearing for the respondents 1 and 2, on instructions, would submit that even though the impugned order has been passed, as on date, patta has not been



transferred in favour of the third respondent. The said statement is recorded.

4.As seen from the impugned order, no notice of hearing has been given to the petitioners even though the civil suit filed by the petitioners is reflected as Sl.No.3 in the first page of the impugned order. The petitioners' main grievance is that they have not been afforded any opportunity of hearing and principles of natural justice has been violated.

5.As seen from the impugned order, no opportunity of hearing has been granted to the petitioners even though the civil suit filed by them is reflected as Sl.No.3. Since no opportunity of hearing has been granted, the impugned order has to be quashed and the matter has to be remanded back to the official respondents for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioners as well as the third respondent and any other necessary party whom the second respondent deems fit to enquire.

6.Since no adverse orders are passed against the third respondent, this Court is of the view that notice to the third respondent has to be dispensed with.

7.For the foregoing reasons, the impugned order dated 11.04.2022 passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioners and the third respondent including granting them the right of personal hearing. The second respondent shall pass final orders within a period of eight [8] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Vacation
Officer)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR



To:

1.The Revenue Divisional Officer,
Madurai District.

2.The Tahsildar,
Kallikudi Taluk,
Madurai District.

+1 CC to M/s.T.R. JEYAPALAM, Advocate (SR-23911[F] dated 20/05/2022)

+1 CC to M/s.SPL.GP (SR-24049[F] dated 23/05/2022)

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