



W.P(MD)No.18962 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18962 of 2022

and

W.M.P(MD)Nos.13836 & 13837 of 2022

1.S.Karunanithi

2.Kavitha

Petitioners 1 & 2 are represented
by their power agent,
R.Narayansamy

... Petitioners

Vs

1.The District Revenue Officer,
District Collector Office,
Virudhunagar,
Virudhunagar District.

2.The Tahsildar,
Aruppukkottai Taluk,
Virudhunagar District.

3.M.R.Rajasekaran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in



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Ni.Mu.Aa2/26958/2021, dated 29.09.2021 and the consequential order passed by the second respondent in O.Mu.A3/5315/2021, dated 23.11.2021 and quash the same as illegal and consequently direct the first respondent to entertain the review application, dated 06.04.2022, filed by the petitioner and conduct enquiry by giving opportunity to all the necessary parties.

For Petitioners : Mr.C.Arulvadivel @ Sekar

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1 & R.2

Mr.A.Mohan for R.3

ORDER

Heard the learned counsel appearing for the writ petitioners, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

2. The issue on hand pertains to the validity of the order passed by the first respondent and the consequential order passed by the second respondent in respect of Survey No.65/4, Thummuchinnampatti Village, Arupukottai Taluk, Virudhunagar District. The third respondent submitted petition to the first respondent and sought mutation of the revenue record in his favour. In the said petition one Palpandian was shown as the respondent. The request of the third respondent was accepted by the first respondent. The first respondent directed



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the Revenue Divisional Officer, Aruppukottai to hold enquiry. The Revenue

Divisional Officer, Arupukottai conducted enquiry and submitted report.

As per SLR, one P.Subbaiah Nadar and P.Arunachala Nadar were pattadhars.

Accepting the said report, the first respondent passed an order dated 29.08.2021

directing restoration of the names of P.Subbaiah Nadar and P.Arunachala Nadar

in the revenue record. The said order dated 29.09.2021 was given effect to by

the second respondent also. Challenging these proceedings, the present writ

petition came to be filed.

3. After hearing the learned counsel on either side, I am of the view that the matter has to be remanded to the file of the first respondent for fresh consideration. This is for the simple reason that the writ petitioners were not heard before passing the impugned order. From the materials enclosed in the typed set of papers, I am able to note that the writ petitioners purchased the property measuring 1.94 acres in Survey No.65/4, Thummuchinnampatti Village, Arupukottai Taluk, Virudhunagar District vide sale deed dated 20.06.2020 from one Annamalai. It is a registered document. The said Annamalai had purchased the said property from one Sithaiyammal in the year 1994. That was also a registered document. In the typed set of papers patta issued in favour of Sithaiyammal as well as Annamalai have been enclosed.



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4. In these circumstances, an order in respect of Survey No.65/4 could not have been passed without putting the petitioners on notice. The impugned orders are set aside on the sole ground of violation of principles of natural justice. I make it clear that I have not gone into the merits of the matter. All the contentions of the writ petitioners as well as the third respondent are left open. The writ petitioners as well as the third respondent shall appear before the first respondent on 03.01.2023 at 03.00 p.m. The first respondent shall hear both the parties and pass final order on merits and in accordance with law within a period of eight weeks thereafter. It is open to the first respondent to pass order one way or the other. This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.12.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The District Revenue Officer,
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2.The Tahsildar,
Aruppukkottai Taluk,
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