



W.P.(MD)No.21215 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.09.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.21215 of 2022

and

W.M.P.(MD)No.15415 of 2022

1.Saravanan, S/o.Late. Karuppaiah Asari

2.K.Subramaniyaraja

.. Petitioners

Versus

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai Division,
Sivagangai District.

3.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

4.Kannan, S/o.Alagu

5.Sundara Meenal, W/o.Selvasekaran

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to ப.மு.அ. 1/4546/2021, dated 18.08.2022, on the file of the Revenue Divisional Officer, Devakottai.

For Petitioners : Mr.J.Gunaseelanmuthiah

For Respondents 1 to 3 : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

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The petitioners have filed this Writ Petition seeking to quash the proceedings of the second respondent in P.மு.அ.1/4546/2021, dated 18.08.2022.

2.The case of the petitioners is that their father namely, Karuppaiah Asari had purchased 0.3.00 Ares of land in S.No.149/2C from one Petchiammal on 11.06.1972 and he was in possession and enjoyment of the said property till his demise, without any interruption. The petitioners' father passed away on 06.03.2005. After demise of the petitioners' father, the petitioners are enjoying the property and living there. The fourth respondent's mother-in-law is staying in the adjacent property. While so, the fourth respondent filed W.P.(MD)No.14373 of 2020, seeking to provide adequate police protection to his life and limb while surveying his land, based on his representation, dated 14.09.2020. The said writ petition was disposed of on 04.11.2020, directing the Assistant Director, Land Survey, Sivagangai District, to fix the date for surveying the land also directing the Surveyor to give notice to the petitioners herein indicating the date of survey and also intimate the date of survey to the Superintendent of Police, Sivagangai District and the Inspector of Police, Singampunari Police Station, Sivagangai District and they were further directed to give police protection while surveying the land.



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subdivide the property, had taken away half cent of land, out of 7 cents, which belongs to the petitioners and issued Patta in Survey No.149/2C2 in favour of the fourth respondent. The fourth respondent has no right to seek survey of the petitioners' Patta land. Hence, the petitioners filed an appeal before the second respondent/Revenue Divisional Officer, Devakottai, on 04.08.2021. During the pendency of the appeal, the fourth respondent transferred Patta in favour of one Sundara Meenal/fifth respondent herein. Thereafter, the second respondent, vide his proceedings dated 18.08.2022, rejected the request of the petitioners. Challenging the said proceedings, the petitioners have filed the present Writ Petition.

3.The learned counsel appearing for the petitioners submits that the order passed by the second respondent is illegal and no opportunity of hearing was given to the petitioners. Further, the petitioners' appeal grounds were not considered by the second respondent and therefore, the Patta issued to the fourth respondent should be cancelled.

4.After going through the documents filed by the petitioners in the form of typed set of papers, this Court on 06.09.2022 directed the learned Additional Government Pleader to produce the relevant records to show that whether any opportunity was given to the petitioners and an enquiry was conducted before passing the impugned order.



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5.Today, when matter is taken up for hearing, the learned Additional Government Pleader produced the documents, showing that based on the petitioners' appeal, dated 04.08.2021, the authorities conducted enquiry on 28.01.2022, in which, the petitioners' counsel was present along with the petitioners and the respondents 4 and 5 were not present and enquiry was conducted on various dates namely, on 24.02.2022, 25.02.2022, 04.08.2022 and 08.08.2022 and finally, the impugned order has been passed on 18.08.2022.

6.From the impugned order, it is seen that the authorities had gone into the written submissions of the learned counsel for the petitioners. Further, there is a revisional remedy against the order passed by the second respondent before the District Revenue Officer, Sivagangai. The petitioners have not exhausted the said legal remedy by way of filing revision before the said Officer and straightaway approached this Court for the relief stated supra and there is no case made out by them for interference by this Court. Hence, the Writ Petition is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
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<https://www.mhc.tn.gov.in/judis> Note:- (I) Issue order copy on **13.09.2022.**



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(ii) Registry is directed to return the original impugned order to the learned counsel for the petitioners, so as to enable the petitioners to file a revision before the District Revenue Officer, Sivagangai, after substituting a photocopy of the same.

To

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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