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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD).No.19790 of 2021
and
W.M.P.(MD).No.16475 of 2021

Bipin K.Sheth
Represented by his Power of Attorney Agent,
A.M.Srinivasan ... Petitioner

Vs.

1.The District Revenue Officer,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

4.The Tahsildar,
Kodaikanal,
Dindigul District.

5.A.M.Thirumal

6.T.Ranjith Kumar

7.T.Ravikumar ... 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 of the third respondent in Na.Ka.No.701-53/2019/A2, dated 20.09.2019 and quash the same and consequently direct the respondents 1 to 4 herein to restore the patta bearing No.192, issued on 23.05.1995 by the fourth respondent in respect of property to an extent of 1.86.0 Hectares (4.60 Acres) comprised in Town Survey No.55/3A, Ward "C", Block No.2, Vilpatti Village, Kodaikanal Taluk, Dindigul District, in favour of the petitioner herein.

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For Petitioner : Mr.G.Krishnakumar
For R-1 to R-4 : Mr.S.Shanmugavel,
Additional Government Pleader
For R-5 to R-7 : Mr.I.Sam Jegan

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with an order of the third respondent / the Sub Divisional Magistrate cum Revenue Divisional Officer, Kodaikanal, Dindigul District, dated 20.09.2019 and a consequential direction to the respondents 1 to 4 to restore patta No.192 issued on 23.05.1995 by the fourth respondent in the name of the petitioner.

2. Mr.S.Shanmugavel, learned Additional Government Pleader, takes notice for respondents 1 to 4. Mr.I.Sam Jegan, learned counsel, takes notice for respondents 5 to 7.

3. The property involved is situated at T.S.No.55/3A, Ward C, Block No.2, Vilpatti Village, Kodaikanal Taluk, Dindigul District measuring to an extent of 1.86.0 hectares equivalent to 4.60 acres. It has been stated in the affidavit filed in support of the Writ Petition that the petitioner had the benefit of the patta being granted to him with respect to the aforesaid lands. The respondents 5, 6 and 7 had also laid a rival claim over title of the said lands and in this connection, there are two suits in O.S.No.78 of 1999 and O.S.No.89 of 1999, which are pending before the District Munsif Court, Kodaikanal.

4. In the meanwhile, it appears that, owing to the computerization of the records, the third respondent had passed the impugned order. The grievance of the petitioner is that notice was not issued to the petitioner herein. A perusal of the impugned order shows that, as a matter of fact, notice had not been served. The order has also not been served on the petitioner herein.

5. It will only be appropriate that the third respondent makes necessary inquiries with the individuals in whose names the patta actually stood prior to taking up the work of computerization, issues notice to them, hear their objections and thereafter, pass necessary orders. Judicial review can never lie against the nature of the order passed, but certainly, if the procedure is violative of the principles of natural justice, judicial review will lie.

6. In this case, neither the petitioner nor the respondents 5, 6 and 7 have been heard prior to passing of the impugned order. Therefore, without entering into any further discussion, the impugned order is set aside with a direction to the third respondent to, once again, re-visit the said order, issue notice to the petitioner, issue notice to the respondents 5, 6 and 7 and

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thereafter, receive explanations and then take up the issue of either cancelling the patta or retaining the patta in the name of the petitioner or pass any other order as is just according to the records of the aforementioned lands.

7. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Revenue Officer,
Dindigul District,Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Kodaikanal, Dindigul District.

4.The Tahsildar,
Kodaikanal,Dindigul District.

+1 CC to M/s.SPL.GP (SR-562[F] dated 06/01/2022)

+1 CC to M/s.G. PRABAHARI, Advocate (SR-682[F] dated 06/01/2022)

W.P.(MD).No.19790 of 2021
05.01.2022

SP(CO)
KB(27.01.2022) 3P 7C

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