



W.P.(MD) Nos.12778 and 12779 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2022

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) Nos.12778 and 12779 of 2015
and
W.M.P.(MD) Nos.1, 1, 2 and 2 of 2015**

W.P.(MD) No.12778 of 2015:-

Amutha

... Petitioner

/vs./

1.The Revenue Divisional Officer,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai.

3.The Sub Registrar,
Madurai South,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings passed by the 1st Respondent vide Ni.Mu.No.



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7747/2014/N dated 02.12.2014 to quash the same with the consequential direction to give opportunity to the petitioner to explain the petitioner's case and to conduct a detail enquiry.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.M.Prakash
Additional Government Pleader

W.P.(MD) No.12779 of 2015:-

Suria Narayanan

... Petitioner

/vs./

1.The Revenue Divisional Officer,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai.

3.The Sub Registrar,
Madurai South,
Madurai.

4.S.Arockiaraj

(R4 has been impleaded
vide order dated 23.11.2015)

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings passed by the 1st Respondent vide Ni.Mu.No. 7747/2014/N dated 02.12.2014 to quash the same with the consequential direction to give opportunity to the petitioner to explain the petitioner's case and to conduct a detail enquiry.

For Petitioner : Mr.D.Saravanan
For R1 to R3 : Mr.M.Prakash
Additional Government Pleader
For R4 : Mr.A.N.Ramanathan

COMMON ORDER

These Writ Petitions have been filed seeking for Writ of Certiorarified Mandamus to quash the order of the Revenue Divisional Officer, Madurai made in proceedings dated 02.12.2014, wherein the patta, which stood in the name of one K.S.Manickam Pillai, was cancelled and a direction has been issued to issue patta in the name of the 4th respondent in W.P.(MD) No.12779 of 2022.

2.The case of the petitioner in W.P.(MD) No.12778 of 2015 is that her husband along with his first wife had purchased the property and as the marriage



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between her husband and the first wife ended in divorce, the first wife had executed a release deed and that her husband now owns the entire property. The writ petitioner in W.P.(MD) No.12779 of 2015 claims that he had purchased the property from the said K.S.Manickam Pillai.

3.The common case of the petitioners in both the writ petitions is that the first respondent herein had not issued any notice either to the petitioners or to their predecessor in title before passing the impugned order and therefore, it was contended by the learned counsel for the petitioners that the impugned order has been passed in violation of principles of natural justice.

4.Mr.M.Prakash, learned Additional Government Pleader appearing on behalf of the Government would submit that what has been done by the first respondent is rectification of a mistake that had occurred, which would not prejudice any one. He would further submit that the petitioners were the subsequent purchasers of the said K.S.Manickam Pillai and therefore, to establish their title, they had to approach the civil Court and only thereafter, their claim could be considered. The 4th respondent in W.P.(MD) No.12779 of 2015 has been



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served notice and the learned counsel for the 4th respondent had today filed a memo in spite of his diligent attempts to contact the fourth respondent. The fourth respondent was not able to be contacted and therefore, he had filed a memo stating 'no instruction'.

5.I have considered the rival submissions made by the parties.

6.Under the reference in the impugned order dated 02.12.2014, this Court is not able to find any reference to the notice issued to K.S.Manickam Pillai, who admittedly was holding patta bearing No.196 in respect of the properties. A careful reading of the impugned order also does not disclose any such notice that has been sent to the said K.S.Manickam Pillai. The petitioners are all successor in interest of the said K.S.Manickam Pillai. The first respondent is duty bound to issue notice to the interested persons before passing any order affecting their rights. In the present case, I find that there is a clear violation of principles of natural justice and therefore, this Court is inclined to set aside the order impugned in these writ petitions.



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7.In view of the above, these Writ Petitions are allowed and the issue is remanded back to the first respondent to consider the same and to pass appropriate orders, after issuing proper notice to all the parties concerned including the writ petitioners and the fourth respondent herein, within a period of twelve weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
Non Speaking : Yes / No

05.12.2022

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To

- 1.The Revenue Divisional Officer,
Madurai.
- 2.The Tahsildar,
Madurai South Taluk,
Madurai.



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3.The Sub Registrar,
Madurai South,
Madurai.



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K.KUMARESH BABU, J.

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