



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.4404 of 2017
and
W.M.P. (MD) No.3536 of 2017

Isaac Pandian

... Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli,
Tirunelveli District.

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

3.The Tahsildar,
Sankaranakovil Taluk,
Tirunelveli District.

4.Gomathiraja

5.Ramarpandi

6.Kottaisamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in Pa.Mu. (Ka2)UDR 09/16, (3434/16) dated 23.02.2017 and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick

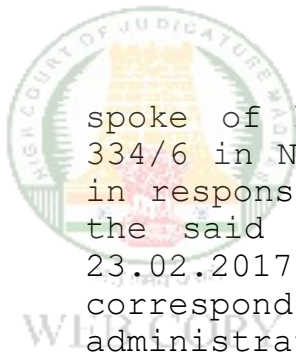
For Respondents : Mr.G.Sivaraja,
Government Advocate for R1 to R3.

Mr.D.Nallathambi for R4 to R6

ORDER

Heard the learned counsel on either side.

2.The notice issued by the District Revenue Officer, Tirunelveli to the petitioner and the private respondents herein
<https://hcservices.ecourts.gov.in/hcservices/>



spoke of holding of an enquiry into old S.No.29/6 equivalent to 334/6 in Narikudi Village. The petitioner is said to have appeared in response to the same and made it clear that he has no claim over the said survey numbers. However, in the impugned order dated 23.02.2017, orders have been passed with regard to Old S.No.29/8 corresponding to new S.No.334/18. It is a well settled principle of administrative law that the final order should deal with those aspects for which show cause notice was issued. In other words, the final order cannot go beyond the scope of a show cause notice. In this case, the notice speaks of one survey number while the final order deals with some other survey numbers. There is a clear dissonance between the two. On this ground, the order impugned in this writ petition is set aside and the writ petition is allowed and the matter is remitted to the file of the first respondent to pass orders afresh in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

- 1.The District Revenue Officer,
Tirunelveli,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.
- 3.The Tahsildar,
Sankaranakovil Taluk,
Tirunelveli District.

+1 CC to M/s.D. NALLATHAMBI, Advocate (SR-26698[F]dated 20/06/2022)

+1 CC to M/s.SPL.GP (SR-26843[F] dated 20/06/2022)

**ORDER MADE IN
W.P(MD)No.4404 of 2017
17.06.2022**

PKP/05.07.2022/2P/6C

<https://hcservices.ecourts.gov.in/hcservices/>