



W.P(MD)No.23806 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23806 of 2018

and

W.M.P.(MD)Nos.21560 and 21561 of 2018

and

W.M.P.(MD)No.12374 of 2021

S.Subbulakshmi

... Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli.

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

3.Selvakumar

... 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 Order passed by the 1st Respondent in his proceedings in See.Ma.No.A2 12/08 dated 25.11.2008.

For Petitioner : Mr.N.Sankar Ganesh

For Respondents : Mr.G.Sivaraja,
Government Pleader for R1 & R2.
Mr.V.M.Jegadeeshapandian for R3.



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ORDER

Heard the learned counsel on either side.

2.The property in question originally belonged to one Maruthanayaga Thevar. He had sold the property in favour of Chellathai Ammal in the year 1979. The said Chellathai Ammal had four children namely, two sons and two daughters. The petitioner claims title through granddaughter of Chellaithai Ammal born through predeceased son. The father of the contesting respondent is said to have purchased the entire property from the daughters. His case is that Chellathai Ammal during her life time had transferred the entire property in favour of two daughters. When mutation of patta was effected, objection was raised by Subbulakshmi in the year 2005. The Revenue Divisional Officer, Tenkasi accepted her case and issued joint patta in the names of Samuthra Pandian, Subbulakshmi and Chellaiah Thevar. Aggrieved by the same, Chellaiah Thevar file a revision before District Revenue Officer, Tiruneveli. By the impugned order, the District Revenue Officer, Tiruneveli has set aside the order passed by the Revenue Divisional Officer, Tenkasi. Challenging the same, this writ petition has been filed.



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3.The writ petitioner's husband was a Solider during the relevant point of time. He was based in Agra. Notice was not served on him. Notice appears to have been sent to the mother of the petitioner. When Chellaiah Thevar knew fully well that Samuthra Pandian was stationed elsewhere, notice ought to have been taken to his correct address. Therefore, the impugned order passed by the District Revenue Officer, Tirunelveli is obviously vitiated by violation of principle of natural justice. That notice was not served on the writ petitioner is accepted by the third respondent also. Therefore, based on the consent given by the learned counsel on either side, the order impugned in this writ petition is set aside and the matter is remitted to the file of the District Revenue Officer, Tirunelveli to pass order afresh in accordance with law. The District Revenue Officer, Tirunelveli shall issue notice to the parties concerned and only thereafter pass order in accordance with law and on merits within a period of three months from the date of receipt of a copy of this order.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

12.08.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The District Revenue Officer,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

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(2/2)