



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD)No.1306 of 2017 and
W.M.P. (MD)Nos.1086 & 1087 of 2017

1. M.Shanmugavel

2. G.Periyakarruppan

... Petitioners

Vs.

1. The District Revenue Officer,
Tuticorin,
Tuticorin District.

2. The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

3. The Tahsildar,
Vilathikulam Taluk,
Tuticorin District.

4. M.Paulraj

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in Na.Ka.No.AA6/9895/2015 dated 19.12.2016 issued by the second respondent herein and to quash the same as illegal.

For Petitioners

: **(*)Mr.M.Jerin Mathew,**
for Mr.M.Jegadeesha Pandian.

For R-1 to R-3

: Mr.M.Prakash,
Additional Government Pleader.

For R-4

: Mr.T.Lajapathi Roy

* * *

O R D E R

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for the fourth respondent.



2. The contest between the parties herein relates to old survey No.214/1 and new survey No.486/5 in Kulathur Village. The petitioners had earlier filed W.P.(MD)No.14017 of 2015 and obtained some orders. Questioning the same, the fourth respondent herein filed W.A.(MD)No.1271 of 2016 before the Hon'ble Division Bench. The Hon'ble Division Bench disposed of the appeal by directing the District Revenue Officer, Tuticorin, to dispose of the appeal petition after hearing both the parties. Instead of the District Revenue Officer, Tuticorin, the Revenue Divisional Officer, Kovilpatti came to pass the impugned order rejecting the execution of patta that stood in the name of the petitioners and putting the fourth respondent in their place. This order is liable to be set aside for two reasons.

a) Though the District Revenue Officer, Tuticorin, was directed to pass orders, the Revenue Divisional officer, Kovilpatti, passed the order. This is clearly contrary to the direction of the Hon'ble Division Bench.

b) The Hon'ble Division Bench had clearly held that both the parties must be heard. But the Revenue Divisional Officer had passed the order without hearing the petitioners. This is a clear violation of the principles of natural justice.

3. On these twin grounds, I set aside the order impugned in this writ petition. This writ petition stands allowed.

4. It is stated that the fourth respondent had already filed O.S.No.150 of 2015 on the file of the Sub Court, Kovilpatti. The petitioners are parties to the said suit. The Sub Court, Kovilpatti, is directed to dispose of the said suit on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

**(*) Corrected as per order of this
court dated 30.06.2022.**

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

30/06/2022

Sub Assistant Registrar (CS)



To:

TO BE SUBSTITUTED TO THE ORDER ALREADY DESPATCHED ON 22.06.2022.

1. The Sub Judge, Kovilpatti.
2. The District Revenue Officer,
Tuticorin,
Tuticorin District.
3. The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.
4. The Tahsildar,
Vilathikulam Taluk,
Tuticorin District.

+1 CC to M/s.SPL.GP (SR-24851[F] dated 09/06/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-25052[F] dated 10/06/2022)

+1 CC to M/s.V.NIRMAL KUMAR, Advocate (SR-24931[F] dated 09/06/2022)

W.P. (MD) No.1306 of 2017

08.06.2022

USK/30.06.2022/3P/8C