



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2337 of 2017

and

W.M.P (MD)No.1960 of 2017

D.Rajathi

... Petitioner

Vs

1.The State represented by
The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.

2.The Revenue Divisional Officer,
Melur Division,
Madurai District.

3.The Tahsildar,
Madurai South Taluk,
Madurai.

4.M.Jayamani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned notice issued by the third respondent in his proceedings Na.Ka.No.5480/2016/B1 dated 19.01.2017 and quash the same.

For Petitioner : Mr.D.Sivaraman
For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3
Mr.P.Mahendran for R.4

ORDER

Heard the learned counsel on either side.

2. The petitioner had purchased the subject lands from one Rajendran on 08.07.2005 through his power of attorney M.Sevuga Chandran. Thereafter, Patta was transferred in favour of the writ petitioner. Questioning the same, the fourth respondent gave



petitions before numerous authorities. The third respondent issued enquiry notice dated 19.01.2017 calling upon the petitioner to appear before him. Questioning the same, the writ petition came to be filed.

3. When the matter was taken up for hearing, both the counsel brought to my notice certain subsequent developments. It is seen that the petitioner had filed O.S.No.75 of 2011 on the file of the District Munsif Court, Madurai Taluk seeking injunction. In the said suit, the fourth respondent filed a counter claim to nullify the power of attorney as well as the sale deed mentioned above. The suit filed by the petitioner was dismissed while counter claim was decreed. Aggrieved by the same, the petitioner has filed A.S.No.14 of 2018 on the file of the learned Second Sub-ordinate Judge, Madurai. The Revenue Authorities obviously will have to abide by the outcome of the said appeal

4. According to the fourth respondent, certain mistakes wept in at the time of U.D.R. If that being so, it is only the District Revenue Officer who has to rectify the same. Looked at from any angle, the impugned notice appears to be without jurisdiction and it is quashed. The writ petition is allowed. I make it clear that based on the outcome of the said appeal, the writ petitioner as well as the fourth respondent can work out their rights in the manner known to law. I have not gone into the merits of the matter. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

- 1.The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
- 2.The Revenue Divisional Officer,
Melur Division,
Madurai District.



3.The Tahsildar,
Madurai South Taluk,
Madurai.

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-25716[F] dated
15/06/2022)

+1 CC to M/s.P. MAHENDRAN, Advocate (SR-25741[F] dated
15/06/2022)

+1 CC to M/s.SPL.GP (SR-25834[F] dated 15/06/2022)

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SG (CO)
KB (04.07.2022) 3P 7C