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W.P.(MD)NO.23867 OF 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.23867 of 2017 and
W.M.P.(MD)Nos.20000 of 2017 & 17472 of 2019

S.Karthikeyan

... Petitioner

Vs.

1. The District Revenue Officer,
District Revenue Office,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
(Sub Collector),
Cheranmahadevi,
Tirunelveli District.
3. The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.
4. N.Sarojini
5. Lalitha Bhai
6. Jeba John
(R-5 & R-6 are impleaded vide Order dated
01.07.2022 in W.M.P.(MD)No.18131 of 2021)

... 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 order passed by the first respondent in Pa.Mu.Ka2/9537/2017(See.Ma.6/2017) dated 25.10.2017 by confirming the order in Nee.Mu.12470 / 2016 (A1) dated 20.02.2017 passed by the second respondent and to quash the same and consequently directing the first respondent to restore the patta issued by the third respondent in survey Nos.22/1A1, 22/1A18, 22/1A23, 22/1A8 to the total extent 0.05.00 Ares, which is situated at Thisayanvilai Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.J.David Ganesan

For R-1 to R-3 : Mr.G.Sivaraja,
Government Advocate.

For R-4 to R-6 : Mr.M.Suresh

* * *

ORDER

Heard the learned counsel on either side.

2. The Zonal Deputy Tahsildar, Radhapuram, vide order dated 05.07.2011 cancelled the patta that stood in the name of the fourth respondent. This was done without notice to the fourth respondent. Aggrieved by the same, the fourth respondent moved the Revenue Divisional Officer,



Cheranmahadevi. By order dated 20.02.2017 the order of the Zonal Deputy Tahsildar was set aside and the name of the fourth respondent was ordered to be restored in the revenue record. Challenging the same, the petitioner moved the District Revenue Officer, Tirunelveli. The District Revenue Officer, Tirunelveli, vide order dated 25.10.2017 confirmed the order of the Revenue Divisional Officer. Challenging the same, this writ petition came to be filed.

3. The learned counsel appearing for the writ petitioner submitted that the order of the District Revenue Officer is vitiated by total non-application of mind. It appears that the District Revenue Officer perused one file and passed order in some other matter. He took me through the averments in the affidavit filed in support of the writ petition.

4. I posed a simple question whether the fourth respondent was put on notice before her patta was cancelled. The answer is in the negative. If the fourth respondent was not put on notice, her patta could not have been cancelled. The order passed by the Zonal Deputy Tahsildar, Radhapuram



was clearly in violation of principles of natural justice. The Revenue Divisional Officer as well as the District Revenue Officer rightly interfered. The impugned order does not call for any interference.

5. This writ petition stands dismissed. However liberty is given to the petitioner to pursue his rights and remedies in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

02.08.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The District Revenue Officer,
District Revenue Office, Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
(Sub Collector), Cheranmahadevi,
Tirunelveli District.
3. The Tahsildar,
Radhapuram Taluk, Radhapuram,
Tirunelveli District.



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5

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G.R.SWAMINATHAN, J.

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