



WEB COPY

W.P.Nos.2155 and 2161 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.2155 and 2161 of 2022

W.P.No.2155 of 2022

D.Suganthi

... Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.

3. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri Taluk.

4. V.Kumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned order 18.12.2021 Ref.No.Pa.Mu.17823/2016/Pa2 passed by the 2nd respondent and quash the same and consequently direct the respondent authorities to conduct a fresh enquiry by including the petitioner



also as a party to the enquiry and granting adequate opportunity to the petitioner, in respect of the land comprised in Survey No.172/1C, Jammanahalli Village, Pappireddipatti Taluk, Dharmapuri District.

W.P.No.2161 of 2022

S.Uma Maheswari

... Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
3. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri Taluk.
4. V.Kumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned order 18.12.2021 Ref.No.Pa.Mu.17823/2016/Pa2 passed by the 2nd respondent and quash the same and consequently direct the respondent authorities to conduct a fresh enquiry by including the petitioner also as a party to the enquiry and granting adequate opportunity to the petitioner, in respect of the land comprised in Survey No.172/1C, Jammanahalli Village, Pappireddipatti Taluk, Dharmapuri District.



For Petitioners : Mr.R.Ramesh Raja
(in both W.Ps)

For Respondents : Mr.S.Ravichandran,
Additional Government Pleader
(R1 to R3) (in both W.Ps)

Not ready in notice (R4)
(in both W.Ps)

COMMON ORDER

The order passed by the 2nd respondent / the District Revenue Officer in the proceedings dated 18.12.2021, cancelling the patta granted in favour of the petitioners is under challenge in these writ petitions.

2. The preliminary ground raised by the petitioners to assail the order impugned in the writ petition is that the patta granted in their favour in respect of the Survey No.172/1C in Patta No.1101 has been cancelled, without any notice and opportunity to the writ petitioners.

3. The petitioners are no way connected with the other survey numbers mentioned in the order impugned. While dealing with the dispute



between the 4th respondent / Mr.V.Kumar and Mr. Muniya, 2nd respondent / the District Revenue Officer has included the property belonging to the petitioners in Survey No.172/1C and cancelled the patta.

4. Any order affecting the right of a person is to be passed only after affording opportunity under the provisions of the Act. Even a copy of the order has not been communicated to the petitioner. That apart, the petitioner has furnished the copy of the Patta No.1101 with reference to the Survey No.172/1C, which stands in the name of the writ petitioners. Therefore, the order impugned is in violation of the principles of natural justice.

5. Accordingly, the impugned order dated 18.12.2021 passed in Ref.No.Pa.Mu.17823/2016/Pa2 by the 2nd respondent is quashed and the matter is remanded back to the 2nd respondent for fresh adjudication. The 2nd respondent is directed to issue summons to all the parties including the writ petitioners and thereafter conduct a fresh enquiry and pass appropriate orders on merits and in accordance with law as expeditiously as possible.



6. With these observations, these writ petitions in W.P.Nos.2155 and 2161 of 2022 stands allowed. No costs.

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15.06.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The District Collector,
Dharmapuri District,
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2. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
3. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri Taluk.



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S.M.SUBRAMANIAM, J.

skr

W.P.Nos.2155 and 2161 of 2022

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