



W.P.(MD)No.1288 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1288 of 2020

and

W.M.P.(MD)Nos.1039 and 1040 of 2020

S.Viswanathan

.. Petitioner

Versus

1.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

2.The Tahsildar,
Karaikudi, Sivagangai District.

3.The Special Tahsildar,
Natham Town Settlement,
Karaikudi,
Sivagangai District.

4.Muthuraman, S/o.Meiyappan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order issued by the first respondent in Pa.Mu.A1/8451/2017, dated 28.11.2019 and signed on 03.12.2019 and quash the same as illegal.

For Petitioner

:

Mr.VR.Shanmuganathan
for Mr.AL.Kannan



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For R1 to R3

:

Mr.B.Saravanan

Additional Government Pleader

For R4

:

Mr.M.P.Senthil

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ORDER

This Writ Petition has been filed challenging the proceedings of the first respondent in Pa.Mu.A1/8451/2017, dated 28.11.2019, signed on 03.12.2019.

2. Heard Mr.VR.Shanmuganathan, learned counsel for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader for the respondents 1 to 3 and Mr.M.P.Senthil, learned counsel for the fourth respondent.

3. The case of the petitioner is that he is the absolute owner of the subject property by virtue of the registered sale deed, dated 08.06.2006 and that Patta also stood in his name. The further case of the petitioner is that the fourth respondent and others wanted to grab the property from him and had made an application seeking for mutation of the revenue records. It came to light that the first respondent passed the impugned proceedings dated 28.11.2019, cancelling the Patta that stood in the name of the petitioner and directed the Patta to be issued in the name of the fourth respondent and others. Aggrieved by the same, the present Writ Petition has been filed before this

Court.

<https://www.mhc.tn.gov.in/judis>



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WEB COPY 4. The main grievance that was urged by the learned counsel for the petitioner is that the first respondent passed the order without putting the petitioner on notice and without affording an opportunity to him.

5. On carefully going through the proceedings of the first respondent, it is seen that the petitioner was not put on notice and an order has been passed against the petitioner, which has civil consequences. Hence, the impugned order passed by the first respondent is liable to be interfered with by this Court for violation of principles of natural justice. Since this Court is going to remand back the matter to the file of the first respondent, this Court is not intending to go into the merits of the case.

6. In the light of the above discussion, the proceedings of the first respondent in Pa.Mu.A1/8451/2017, dated 28.11.2019, signed on 03.12.2019, is hereby set aside. The matter is remanded back to the file of the first respondent and there shall be a direction to the first respondent to conduct an enquiry after putting the petitioner, the fourth respondent and the other interested parties, if any, on notice and afford them with sufficient opportunity and thereafter, pass final orders on its own merits and in accordance with law.

The entire proceedings shall be completed within a period of 12 weeks from

<https://www.mhc.tn.gov.in/judis>



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the date of receipt of a copy of this order.

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7. The Writ Petition is allowed with the above direction. No costs.

Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/No

03.10.2023

Internet : Yes

To

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N.ANAND VENKATESH, J.

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