



W.P(MD)No.5431 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5431 of 2013

and

M.P.(MD)No.1 of 2013

and

W.M.P.(MD)No.12155 of 2021

M.Rengasamy

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
O/o. The District Revenue Office,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Sivagangai District,
Sivagangai.

4.The Tahsildar,
Sivagangai District,
Sivagangai.

5.A.Chidambaram

... Respondents

1/5



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents resulting in the Impugned Order of the 2nd Respondent dated 14.12.2012 passed in No.Pa.Mu.Pe4-11706-2012, quash the same and direct the Respondents No.1 to 4 to restore the original entry by conducting a detailed enquiry after affording all sort of opportunity to the Petitioner.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.D.Gandhi
Special Government Pleader for R1 to R4
: Mr.M.Viji
for Mr.S.Deenadhayalan for R5

ORDER

Heard the learned counsel on either side.

2. The fifth respondent herein submitted a petition before the District Revenue Officer, Sivagangai for mutation of patta on the ground that during UDR, the petitioner's name was erroneously entered in respect of the petition mentioned land. The petition filed by the 5th respondent was allowed by the District Revenue Officer, Sivagangai dated 14.12.2012. Challenging the same, this writ petition came to be filed.

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3. Though both sides raised several contentions, the writ petition can be disposed of on a short ground. In the impugned order, it is stated that even though notice was issued to Rengasamy, he has not chosen to enter appearance. In the affidavit filed in support of the writ petition, it has been categorically averred that no notice was received by the petitioner. The impugned order merely states that notice was sent. It does not state that notice was received by Rengasamy. I am satisfied that there has been violation of principles of natural justice. The petitioner was not heard before the impugned order that is adverse to him was passed.

4. In this view of the matter, the order impugned in the writ petition is set aside. The matter is remitted to the file of the second respondent. The second respondent shall issue fresh notice to the 5th respondent, the writ petitioner herein as well as the other interested parties if any before passing final order. I make it clear that I have not gone into the merits of the matter. The contentions of both the parties are left open. The second respondent shall conclude enquiry and pass final order on merits and in accordance with law after hearing the parties



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within a period of four months from the date of receipt of a copy of this order.

5. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

04.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
O/o. The District Revenue Office,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Sivagangai District,
Sivagangai.
- 4.The Tahsildar,
Sivagangai District,
Sivagangai.



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G.R.SWAMINATHAN, J.

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