



WP (MD) No.2669 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.2669 of 2023 and
WMP(MD) Nos.2436, 2437 & 14202 of 2023

P.Kulandaivel

... Petitioner

Vs

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Revenue Divisional Officer,
Sankarankovil Division,
Tenkasi District.
- 3.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.
- 4.The Inspector of Police (Anti Land Grab Cell),
Tenkasi,
Tenkasi District.



WP (MD) No.2669 of 2023

5.The Village Administrative Officer,
Nelkattumseval,
Tenkasi District.

6.The District Registrar (Document Registration),
Tenkasi District,
Tenkasi.

7.Gomathiammal ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the second respondent in RDOSKL/1400/2022-A1, dated 10.01.2023 and quash the same and direct the respondents 2 to 5 to conduct fresh enquiry after issue notice to the petitioner and other interested parties.

For petitioner :Mr.M.Karthikeyan Venkitachalapathy

For R1 to R3,R5,R6:Mr.G.V.Vairam Santhosh

Additional Government Pleader

For R4 :Mr.Kottaichamy

Government Advocate

For R7 :Mr.Muthumalairaja

ORDER

This writ petition is filed as against the order passed by the Revenue Divisional Officer, Sankarankovil Division, Tenkasi District/the second respondent herein dated 10.01.2023.



WP (MD) No.2669 of 2023

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2.The petitioner has purchased a land in S.No.322/6 to an extent of 35 cents vide Document No.211/2011, dated 07.02.2011 from one Krishnasamy and he is possession of the property. While this being so, the Revenue Divisional Officer, Tenkasi has passed an order in his proceedings in RDOSKL/1400/2022-A1, dated 10.01.2023, in and by which, a direction was issued to cancel the sale deed in favour of the petitioner. According to the petitioner, at the instigation of one Gomathiammal/the seventh respondent herein, the impugned order came to be passed. The grievance of the petitioner is that no opportunity was provided to him before passing the impugned order.

3.The learned Additional Government Pleader appearing for the respondents 1 to 3, 5 & 6 submits that notice was issued to the petitioner for an enquiry, However, this petitioner has deliberately evaded to receive the notice.



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WP (MD) No.2669 of 2023

4.Considering the rival submissions made and in order to provide an opportunity to the petitioner, the impugned order is set aside and the matter is remanded back to the second respondent for fresh consideration on merits after providing an opportunity of hearing to this petitioner. The petitioner is at liberty to offer his explanation in the enquiry. After hearing the petitioner, the respondent shall take a decision on the application of the seventh respondent within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed anything on the merits of the case.

5.Accordingly, this writ petition is disposed of. No costs.
Consequently, connected Miscellaneous Petitions are closed.

19.09.2023

NCC :Yes/No
Index :Yes/No
vrn



WP (MD) No.2669 of 2023

WEB COPY

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WP (MD) No.2669 of 2023

B.PUGALENDHI, J.

vrn

Order made in
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