



W.P.(MD) Nos.3445 to 3451 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.06.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

W.P.(MD) Nos.3445 to 3451 of 2022

and

W.M.P(MD)Nos.3012, 3014 to 3017, 3028, 3029, 3021, 3023, 3018 to 3025 of 2023

**W.P(MD)No.3445 of 2022**

Dr.P.Saravanan

.. Petitioner

Vs.

1.The District Revenue Officer,  
Madurai.

2.The Revenue Divisional Officer,  
Madurai.

3.The Tahsildar,  
Madurai West Taluk,  
Madurai.

4.T.Karuppiah

5.S.Santha

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1<sup>st</sup> respondent in



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Ni.Mu.No.24844/2018/G5 dated in 29.04.2019 and quash the same and to direct the respondents 1 to 3 to restore the Patta No.3329 in the name of the petitioner in respect of S.No.31B/3B.

|                               |   |                                                 |
|-------------------------------|---|-------------------------------------------------|
| For Petitioner<br>in all W.Ps | : | Mr.H.Arumugam                                   |
| For R1 to R3<br>in all W.Ps   | : | Mr.N.Muthuvijayan<br>Special Government Pleader |
| For R4<br>in all W.Ps         | : | Mr.K.S.Durai Pandian                            |

### **COMMON ORDER**

These writ petitions have been filed in the nature of a certiorarified mandamus seeking records relating to the impugned order of the first respondent, the District Revenue Officer, Madurai, dated 29.04.2019 and interfere with the same and consequently direct the first and second respondents to restore the patta in the name of the petitioners in respect of S.No.31B/3B at Karadipatti Village, Maduri West Taluk, Madurai.

2.The brief facts of the cases reveal that the fourth respondent, T.Karuppiah, had been agitating title over the properties had instituted a suit in O.S.No.148 of 2006 at Principal District Court, Thirumangalam, and in the said suit, the fifth respondent herein, S.Santha, was the



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defendant. She had entered appearance and also filed her written statement and thereafter, she had taken a decision to abstain from appearing before the Court and participating in further proceedings. The suit was decreed by judgment and decree on 27.11.2015. Thereafter, the proceedings before the District Revenue Officer, was initiated against Santha and the District Revenue Officer, also issued notice to the aforementioned Santha. Notice issued had been returned with an endorsement as “not found”.

3.The learned counsel appearing for the petitioners stated that when the patta stands in the name of the petitioners, the District Revenue Officer should have issued notice to the petitioners. It is complained that since as a fact of patta in the name of the petitioners has been established, even according to the records produced by the learned Special Government Pleader, the writ petition should be allowed and the order impugned should be set aside and further opportunity must be given to the petitioners herein to agitate the entire issue once again.



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4.The contention that the fifth respondent had apparently taken a decision to abstain from further proceedings consequent to the sale of the land to the petitioners herein, pending litigation and pending dispute with the fourth respondent is an issue which cannot be examined by this Court under Article 226 of the Constitution of India. The fact remains that the fourth and fifth respondents were having a dispute in a civil Court. The fifth respondent had filed her written statement before the Court. But, she did not appear before the trial Court and she did not cross-examine any of the witnesses. The suit was decreed on the basis of the evidence presented by the fourth respondent herein. Thereafter, the matter moved ahead before the District Revenue Officer, the first respondent, who had issued notice to the fifth respondent. On that particular date, the patta stood in the name of the petitioners herein.

5.A cursory reference of the records reveals that since the names of the petitioners were found place in the patta, notice must have been issued to the petitioners and the petitioners must have been heard. Unfortunately, the District Revenue Officer, left the matter at rest, after



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issuing notice to the said fifth respondent/Santha and inspite of her absence proceeded further. The District Revenue Officer should have sent notice to the petitioners particularly, since the fifth respondent Santha had not responded to the notice issued by him.

6.The fundamental principle is that no quasi judicial order should be passed in the absence of all the parties. They must be heard and effective hearing must be given and finally a reasoned order must be passed.

7.I would therefore set aside the impugned order and remand the matter back with a direction to issue notice to the said fifth respondent Santha and simultaneously, issue notice to the petitioners herein and give them both sufficient opportunity to produce documents and then also examine the decree of the Civil Court and then take decision. Let the decision be taken in the presence of all the parties. Before taking any particular view, the first respondent District Revenue Officer, Madurai, has to revisit the entire proceedings . The entire exercise shall be



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

8.In view of the above, these writ petitions are allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

**13.06.2023**

NCC : Yes/No

Index : Yes/No

Internet : Yes

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2.The Revenue Divisional Officer,  
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3.The Tahsildar,  
Madurai West Taluk,  
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C.V.KARTHIKEYAN, J.

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