



W.P.(MD)No.3174 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3174 of 2023

and

W.M.P(MD)Nos.2960 and 2962 of 2023

1.K.Karthikeyan

2.K.Dhnasekar

... Petitioners

Vs.

1.The District Revenue Officer,
Madurai District.

2.The Revenue Divisional Officer,
Madurai District.

3.The Tahsildar,
Madurai East Taluk,
Madurai District.

4.G.Nagarajan

5.P.Shanmugam

6.Angammal

7.Valli

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating with the order of the 1st respondent, made in Na.Ka. No.G2/51125/2014, dated 04.10.2021, reversing the order of the 2nd respondent, in Ni.mu. No.4978/2013/N, dated 17.09.2014 and



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quash the same as illegal and in consequence to issue the joint patta to the land ad-measuring 0.68.5 Ares (1 Acre 72 Cents), comprised in S. No.39/2A in Veerapanchan Village, in Madurai East Taluk, in the name of the petitioners along with the name of the 4th respondent.

For Petitioner : Mr.R.Suriyanarayanan
For R1 to R3 : Mr.M.Siddharthan
Additional Government Pleader
For R4 : Mr.Babu Rajendran
For R5 & R7 : Mr.S.Ramsundar Vijayaraj

ORDER

Heard the learned counsel on either side.

2.The impugned order is set aside only on the ground that the petitioner's vendor Saravana kumar was not afforded any opportunity before passing the orders. It is true that notice was issued to Shanmugam, Angammal and Valli. But then, a specific performance suit was filed by Saravanakumar and two other against the said three persons in O.S.No.1205 of 2012 on the file of the II Additional Sub Judge, Madurai. It was decreed on 28.02.2013. Execution Petition was filed and sale deed was executed on 16.04.2014.

3. It is quite possible that changes were not made in the revenue record. Since mutations was not made in the revenue records, the authority did not issue notice to Saravana Kumar. The fact remains



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that on the date when the impugned order was passed, Shanmugam, Angammal and Valli seem to be title holders. Title was with Saravana Kumar from whom the petitioners had purchased. On this sole ground, the order impugned in this writ petition is set aside. The matter is remitted to the file of the first respondent. The petitioners are directed to appear before the first respondent on 17.03.2023 at 3 p.m., The petitioners will not receive any independent notice. Since all the relevant materials have presently been made available, the petitioners shall also offer their written response on the very same date. Enquiry shall be conducted by the first respondent and final orders passed on merits and in accordance with law within a period of eight weeks thereafter. I make it clear that I have not gone into the merits of the matter. I am interfering with the impugned order only on the technical ground mentioned above.

4. Writ Petition is allowed on these terms. Consequently, connected miscellaneous petitions are closed. No costs.

03.03.2023

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

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Madurai District.
- 2.The Revenue Divisional Officer,
Madurai District.
- 3.The Tahsildar,
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G.R.SWAMINATHAN,J.

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W.P.(MD)No.3714 of 2023

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