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W.P.(MD)NO.4739 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4739 of 2022 AND
W.M.P.(MD)Nos.3943, 3944 & 4739 of 2022

Deivajothi

... Petitioner

Vs.

1. The District Collector,
Collector Office,
Sivagangai 630 562.
2. The District Revenue Officer,
DRO-Office,
Sivagangai – 630 562.
3. The Revenue Divisional Officer,
RDO Office,
Sivagangai – 630 562.
4. The Tahsildar,
Tahsildar Office,
Thiruppuvanam – 630 611.
5. Vasanthaveni

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd Respondent's impugned Ex-party order passed in Appeal in favour of 5th Respondent in Pa.mu.p.4/ 18350/2015, dated 10.02.2022, in 1.



Survey No. 9/4, to the extent of 0.37.0 hectare, 2.Survey No. 9/5, to the Extent of 0.85.0 hectares and Survey No. 10/6 to the extent of 0.40.0 Hectare in Sempor Village Group, Thiruppuvanam Taluk, Sivagangai District without hearing the petitioner and other legal heirs of namely decesaed Ramachandran and with 96 Proper Registered purchased owners of the same lands in the manner of violation of the natural justice, and quash the same as illegal and consequently direct to take action as per law after affording opprotunities to the petitioner and purchasers of all 96 land owners in the same lands within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

For R-1 to R-4 : Mr.M.Sidharthan,
Additional Government Pleader.

* * *

ORDER

Heard both sides.

2. The order impugned in the writ petition has to be set aside on a technical ground. Notice had been issued only to Thiru.Ramachandran. Ramachandran had passed away on 21.03.2021. The impugned order came to be passed only on 10.02.2022.



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3. It is well settled that the order passed against a dead person in nullity in law. On this sole ground, the impugned proceedings dated 10.02.2022 are set aside. The matter is remitted to the file of the second respondent. The petitioner shall appear before the second respondent on 16.11.2023 at 3.00 p.m. The fifth respondent or her authorised representatives shall also be present. The second respondent will issue notice to other interested parties, if any. Final order on merits and in accordance with law will be passed by the second respondent within a period of two months thereafter. I make it clear that I have not gone into the merits of the matter. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

20.10.2023

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

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Sivagangai 630 562.
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Sivagangai – 630 562.
3. The Revenue Divisional Officer,
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G.R.SWAMINATHAN,J.

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