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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2023

CORAM

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

W.P.(MD)No.6009 of 2022  
and  
W.M.P.(MD)Nos.4682 and 4684 of 2022

Bhoomi

... Petitioner

vs.

1.The Sub Collector,  
Ramanathapuram,  
Ramanathapuram District.

2.The Tahsildar,  
Ramanathapuram,  
Ramanathapuram District.

3.Jerina

4.Valli

5.Suresh

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed in Moo.Mu.A6/5129/2014 by the first respondent dated 25.05.2021 and to quash the same and to direct the first respondent to give opportunity to the petitioner to conduct the proper enquiry in Survey No.406.3 situated at Pattinamgathan Village, Ramanathapuram Taluk, Ramanathapuram District.



For Petitioner :Mr.J.Senthil Kumar  
For R1 and R2 :Mr.J.Ashok  
Additional Government Pleader  
For R3 :Mr.A.Srinivasan  
For R4 and R5 :Mr.B.Mahendran Rajan  
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### **ORDER**

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the order of the first respondent/the Sub Collector, Ramanathapuram, Ramanathapuram District in Moo.Mu.A6/5129/2014, dated 25.05.2021 and to direct the said first respondent to conduct an enquiry relating to the land in Survey No.406/3 situated at Pattinamgathan Village, Ramanathapuram Taluk, Ramanathapuram District.

2.Heard Mr.J.Senthil Kumar, learned Counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the first and second respondents, Mr.A.Srinivasan, learned Counsel for the third respondent and Mr.B.Mahendra Rajan, learned Counsel for the fourth and fifth respondents.

3.In the affidavit filed in support of the Writ Petition, it had been



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stated that the petitioner had purchased the land in Survey No.406/3 situated at Pattinamgathan Village, Ramanathapuram Taluk, Ramanathapuram District, which originally belonged to one Karuppan Pagadai. The petitioner had purchased the land vide Doc.No.1072/1999. It had been further stated that the third respondent had given a complaint against the fourth and fifth respondents stating that the property belonged to the father-in-law of the third respondent. There were some disputes between them and the third respondent wanted to cancel the patta which stood in the name of the petitioner herein.

4.The first respondent had initiated proceedings on the basis of the representation given by the third respondent and finally passed an order, which is now impugned directing the transfer of name in S.No.406/3 from the name of the petitioner herein.

5.A perusal of the impugned order shows that the petitioner was not served during the enquiry process, was not made aware of the enquiry process and did not participate in the enquiry process. Principles of natural justice indicate that before any order is passed by any quasi



judicial authority, opportunity of being heard must be afforded to everybody concerned. Such opportunity should not only be an empty formality but an effective opportunity must be granted.

6. In the instant case, the petitioner, in whose name the patta stands, had not at all been issued with notice and not at all been heard and the representation has not been therefore considered and as a matter of fact, the order copy also has not been served. The impugned order suffers from procedural lapses.

7. The order impugned is set aside and the matter is remanded back to the first respondent and specific directions are given that not only the petitioner, but also the third, fourth and fifth respondents must be put on notice and thereafter, proper enquiry must be conducted and order must be passed. The entire exercise by the first respondent should be completed on or before 31.08.2023.



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8.The Writ Petition stands allowed. No costs. Consequently,  
connected miscellaneous petitions are closed.

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

**31.03.2023**

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To

1.The Sub Collector,  
Ramanathapuram,  
Ramanathapuram District.

2.The Tahsildar,  
Ramanathapuram,  
Ramanathapuram District.



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**C.V.KARTHIKEYAN, J.**

cmr

Order made in  
W.P.(MD)No.6009 of 2022

31.03.2023