



W.P.(MD) No.11191 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.11191 of 2020

and

W.M.P.(MD) Nos.9771 and 9772 of 2020
and 7823 of 2023

Ampalaraj

.. Petitioner

Vs.

1.The District Revenue Officer cum
Additional District Magistrate,
Tiruchirappalli.

2.The Revenue Divisional Officer,
Lalgudi, Tiruchirappalli District.

3.The Tahsildhar,
Lalgudi, Tiruchirappalli District.

4.G.Karthikeyan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.A5/16054/2019, dated 19.02.2020 issued by the first respondent in respect of lands in Survey No.58/2, measuring 7 cents situated Jangamarajapuram Village, Lalgudi



W.P.(MD) No.11191 of 2020

Taluk, Tiruchirappalli District and quash the same and consequently direct the first respondent to pass appropriate order after affording opportunity to petitioner, within the time limit fixed by this Court.

For Petitioner : Mr.VR.Shanmuganathan

For RR1 to 3 : Mr.T.Amjadkhan
Government Advocate

For R4 : Mr.P.Arun Jayatram

ORDER

Through this writ petition, the petitioner seeks to quash the order passed by the first respondent dated 19.02.2020 in respect of the lands measuring an extent of 7 cents in S.No.59/2, Jangamarajapuram Village, Lalgudi, and to direct the first respondent to pass orders after giving an opportunity to the petitioner to present his case.

2. The petitioner would contend that the property in question stood in the name of his ancestor Aylandam as the guardian of his father, Mookappudaiayan, who was then a minor. On his father attaining majority, the revenue records were transferred in the name of his father and patta was also issued in Patta No.1159 in his name. On his father's



W.P.(MD) No.11191 of 2020

death, the property devolved on him and he has been in absolute possession and enjoyment of the same.

3. In these circumstances, the fourth respondent appears to have made an application to the first respondent alleging that the property in question and other properties belong to one Pachaikutty Udaiyar who had two sons viz., Sembudaiyan and Ramasamy Udaiyar. In a partition between them, the property in question was allotted to the share of Sembudaiyan. On his death, the property devolved on his only son Karuppanna Udaiyar and thereafter, on Govindarajan, the son of Karuppanna Udaiyar. Govindarajan had two daughters and a son Karthikeyan, who is the fourth respondent. The fourth respondent had made an application that the petitioner's name has been wrongly entered in the revenue records in respect of the property in S.No.58/2 during the UDR survey and the same had to be rectified.

4. The petitioner would submit that he had received an enquiry notice asking him to appear for enquiry. He had asked for the documents upon which the fourth respondent had claimed a right. However, despite



W.P.(MD) No.11191 of 2020

several request, these documents were not furnished and that apart, the documents, which were produced on the side of the petitioner which are xerox copies of revenue records, were not taken into consideration. The petitioner would submit that every time when he and his counsel approached the office of the first respondent, they were orally informed that all the documents would be given to them in the next hearing. However, to the petitioner's utter dismay, on 17.03.2020, he received a registered post from the first respondent holding that the property belonged to the fourth respondent. This order has been passed without giving an opportunity to the petitioner to meet the claim of the fourth respondent and without providing him the documents relied upon by the fourth respondent. The petitioner is in the dark as to how the fourth respondent would claim a right to the property. Therefore, the petitioner is before this Court.

5. By virtue of the impugned order, the non-existent right has been declared upon the fourth respondent. In fact, by virtue of the impugned order, the first respondent had granted a decree for declaration. The



W.P.(MD) No.11191 of 2020

revenue records were mutated in the name of the petitioner only on considering the earlier documents.

6. Heard the learned counsel on either side.

7. Respondents 1 to 3 have not filed any counter and it is only the fourth respondent, who has filed counter.

8. Learned counsel for respondents 1 to 3 would admit that the documents of the fourth respondent have not been provided to the petitioner.

9. The fourth respondent, in his counter has not countered the contention raised by the writ petitioner that he had not been served with copies of the documents. On the contrary, the fourth respondent would try to circumvent this claim by stating that the first respondent had conducted an enquiry. It is needless to state that, when one party relies on certain document to prove his possession of the property, the opposite



W.P.(MD) No.11191 of 2020

side has to definitely be given copies of the documents based upon which the claim is made and he should not be kept in the dark. Without records, it would not be possible for the petitioner to file his reply. Therefore, the order impugned has to necessarily be set aside and accordingly, is set aside.

10. In the result, this Writ Petition is allowed, the impugned order is set aside and the respondents are directed to issue copies of the documents based upon which the fourth respondent places his claim. Likewise, the petitioner shall also produce documents in his custody to the first respondent. The first respondent shall conclude the enquiry within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to put forth their case. No costs. Consequently, connected miscellaneous petitions are closed.

23.06.2023

NCC : Yes/No
Index : Yes/No
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W.P.(MD) No.11191 of 2020

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W.P.(MD) No.11191 of 2020

P.T.ASHA, J.

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