



W.P(MD)No.17582 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17582 of 2022

P.Kannathal

... Petitioner

Vs.

1.The District Collector,
The District Collector Office,
Madurai – 625 022.

2.The District Revenue Officer,
The District Collector Office,
Madurai – 625 020.

3.The Zonal Deputy Tahsildar,
Kallikudi,
Madurai – 625 701.

4.Mariganesh

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the fake Patta No. 189 based order by 2nd respondent in Ni.Mu.No.7838/2016/G5 dated 26.03.2018 quash the same.



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W.P(MD)No.17582 of 2022

For Petitioner : Mr.P.Kannathal,
Party-in-person

For Respondents : Mr.M.Prakash,
Addl. Government Pleader for R1 to R3.
Mr.T.Pon Ramkumar for R4.

ORDER

Heard the petitioner in person, the learned Additional Government Pleader for the official respondents and the learned counsel for the fourth respondent.

2.The fourth respondent / Mariganesh submitted a petition before the District Revenue Officer, Madurai for correcting what according to him was an UDR error in respect of the petition mentioned survey number. The District Revenue Officer accepted the claim of the fourth respondent and passed order dated 26.03.2018. Challenging the same, the present writ petition came to be filed.

3.The case of the petitioner is that her father / Bagavathy Thevar executed settlement deed dated 01.08.2016 and that based on the same, patta was also subsequently mutated in her favour. Of course, the patta



W.P(MD)No.17582 of 2022

mutation by the Zonal Deputy Tahsildar took place on 29.05.2018. The impugned order was passed by the District Revenue Officer on 26.03.2018. However, the fact remains that notice was issued only to one Bagavathy Thevar and not to the writ petitioner herein. The petitioner had claimed right on the property by virtue of settlement deed dated 01.08.2016. Therefore, the impugned order is set aside on the ground of violation of principles of natural justice. The petition submitted by the fourth respondent before the second respondent shall be restored to file. The second respondent will hold an enquiry in the matter on 11.01.2024 at 03.00 pm. It is for the second respondent to conduct an enquiry and dispose of the matter and pass an order on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter.

4.The impugned order is set aside and the writ petition is allowed.

No costs.

20.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.17582 of 2022

G.R.SWAMINATHAN, J.

ias

To:-

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Madurai – 625 022.
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The District Collector Office,
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