



W.P(MD).No. 18884 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.18884 of 2014

and

M.P(MD) No.1 of 2014

P.Megala Achi

..... Petitioner

- Vs-

1. The Tahsildar,
Karaikudi Taluk,
Sivagangai District.
2. P.Nehru
S/o. Balasubramanian
No.3,/1532, Indira Nagar,
Kallal, Sivagangai District.

Power of Attorney of

1. SM.Meenakshisundaram
2. SM.Saratha Achi
3. SM. Murugappan
4. SM. Kannamma Achi
5. SM. Nachammai Achi
6. SM. Nagammai Achi

... 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



W.P(MD).No. 18884 of 2014

relating to the impugned order of the first respondent in Pa.Mu.P2/8989/14,
dated 13.10.2014 quash the same.

For Petitioner : Mr.S.Meenakshi Sundaram
Senior Counsel
For Mr.B.Muruganandam

For Respondents : Mr.M.Prakash
Additional Government Pleader
For -R1

: Mr.J.John – For R2

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari, to call for the records relating to the impugned order of the first respondent in Pa.Mu.P2/8989/14, dated 13.10.2014 and quash the same.

2. A perusal of the impugned order explicitly suggests that the patta in respect of Survey No.54/3A measuring an extent of 1.170 Hectares originally stood in the name of Malaiyandi Chettiyar. The said Malaiyandi Chettiyar was no more. Notice has been issued to one Palaniyappan, Son of Malaiyandi Chettiyar. The said notice has also been returned with an endorsement that he had died. When the first respondent had knowledge that



W.P(MD).No. 18884 of 2014

the successor in interest of the said Malaiyandi Chettiar is no more, he ought to have issued notice to the legal heirs of the said Malaiyandi Chettiar.

3. In the present case, having found that the Malaiyandi Chettiar and the son of Palaniyappan are no more, the revenue authority ought to have issued a notice to their legal heirs and only thereafter, proceeded in the matter further.

4. Hence, without advertg to the averments made by the writ petitioner as well as the learned counsel for the second respondent and also without going in to the merits of the matter, the order impugned in the writ petition passed by the first respondent is set aside only on the ground that there is a violation of principle of natural justice. The first respondent shall rehear the claim of the second respondent and after issuing notice, and after hearing both the petitioner as well as the second respondent, pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is open to the parties to raise all the issues raised before this Court.



W.P(MD).No. 18884 of 2014

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5. In fine, this Writ Petition is allowed to the extent as stated above.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

02.02.2023

NCC: Yes / No

2/3

Index : Yes / No

Internet : Yes / No
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To

1. The Tahsildar,
Karaikudi Taluk,
Sivagangai District.



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W.P(MD).No. 18884 of 2014

K.KUMARESH BABU, J.

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Order made in
W.P(MD)No.18884 of 2014

02.02.2023

2/3