



W.P.(MD)Nos.11489, 15654 and 16543 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.11489, 15654 and 16543 of 2015
and
M.P.(MD)Nos.1, 1, 1, 2 and 2 of 2015

S.Augustus ... Petitioner in W.P.(MD)No.11489 of 2015

Charles Relators Private Limited,
Through its Authorized Signatory,
C.Ganesan. ... Petitioner in W.P.(MD)No.15654 of 2015

Arumugam ... Petitioner in W.P.(MD)No.16543 of 2015

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The District Revenue Officer,
Madurai District, Madurai.

3.The Tahsildar,
Thirumangalam Taluk,
Madurai.

Ariyamala (Died)

4.T.Annathurai ... Respondents in all W.Ps

*(R4 is substituted vide order dated 15.09.2023 in
W.P.(MD)Nos.11489, 15654 & 16543 of 2023 by GRSJ)*



W.P.(MD)Nos.11489, 15654 and 16543 of 2015

Prayer in W.P.(MD)No.11489 of 2015 : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent bearing Na.Ka.No. 3665/2014 (G5) dated 18.06.2015 and quash the same insofar as the S.No.119/3 in K.Puliyakulam Village, Thirumangalam Taluk and restore the patta in favour of the petitioner.

Prayer in W.P.(MD)No.15654 of 2015 : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent bearing Na.Ka.No. 3665/2014 (G5) dated 18.06.2015 and quash the same insofar as the S.No.119/3B in K.Puliyakulam Village, Thirumangalam Taluk and restore the patta in favour of the petitioner.

Prayer in W.P.(MD)No.16543 of 2015 : Writ Petitions 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 impugned order bearing Na.Ka.No.3665/2014 (G5) dated 18.06.2015 passed by the 2nd respondent and quash the same.



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(In all W.Ps)

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For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 to R3.
Mr.R.Ramasamy for R4.

COMMON ORDER

Heard both sides.

2.During the pendency of these writ petitions, the contesting private respondent / Ariyamala passed away and her son has been brought on record.

3.I do not want to go into the factual aspects beyond a point.

4.Suffice to state that Augustus, Arumugam and Charles Realators Private Limited purchased the respective pieces of land from their vendors under various registered sale deeds. Subsequently, their names were also entered in the revenue record. This mutation of revenue record



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in the names of the writ petitioners herein was questioned by Ariyamala before the District Revenue Officer, Madurai. By the impugned order dated 18.06.2015, the mutation made in favour of the writ petitioners was set aside. The District Revenue Officer, Madurai did not stop there. He also nullified the sale deeds executed in their favour. Challenging the same, the present writ petitions came to be filed.

5.The learned counsel for the contesting private respondent endeavoured to justify the impugned order on merits. He also would point out that since Augustus had already filed O.S.No.200 of 2014 on the file of the District Munsif Court, Thirumangalam, he may be called upon to pursue his remedy in the suit itself.

6.After hearing the learned counsel on either side, I am more than satisfied that before passing the impugned order, the District Revenue Officer, Madurai did not issue any formal show cause notice to the writ petitioners herein. There is nothing on record to show that a proper enquiry was held. Of course, in the impugned order, there is a recital that enquiry was held on 23.07.2014 and 15.05.2015. I called upon the



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learned Special Government Pleader to produce the copy of the notices issued to the writ petitioners herein together with proof of service. No record has been made available by the learned Special Government Pleader. I, therefore, have to conclude that the impugned order has been passed in breach of the principles of natural justice. On this technical ground alone, I set aside the impugned order. The matter is remitted to the file of the District Revenue Officer, Madurai. The District Revenue Officer, Madurai shall issue notices to all the interest parties including the writ petitioners and the contesting private respondent. The copy of the petition given by Ariyamala and any supplemental petition that may be submitted by her son shall be enclosed along with the notices. Proper enquiry shall be held and thereafter final order shall be passed on merits and in accordance with law. Pendency of O.S.No.200 of 2014 on the file of District Munsif Court, Thirumangalam shall not come in the way of the District Revenue Officer from deciding the issue. This exercise shall be completed within a period of four months from the date of receipt of a copy of this order. The learned District Munsif, Thirumangalam is directed to dispose of O.S.No.200 of 2014 on merits and in accordance with law within a period of six months from the date of receipt of a copy



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of this order. The Registry is directed to mark a copy of this order to the learned District Munsif, Thirumangalam.

7.These writ petitions are allowed on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

27.09.2023

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

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The District Revenue Officer,
Madurai District, Madurai.
- 3.The Tahsildar,
Thirumangalam Taluk,
Madurai.

Copy to:-

The District Munsif Court,
Thirumangalam.



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G.R.SWAMINATHAN, J.

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