



W.P(MD)No.23255 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23255 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

P.Venkatachalapathy

... Petitioner

Vs

1.The Assistant Settlement Officer,
Land Reforms – North,
Ezhilagam,
Chennai.

2.The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

3.Manoharan

4.Michel Raj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records to the proceedings of the first respondent made in Na.Ka.U1/3867/2011 dated 13.06.2012 and the consequential proceedings of the second respondent made in Na.Ka. 10900/2012/s dated 06.08.2012 and quash the same.



WEB COPY



W.P(MD)No.23255 of 2015

For Petitioner : Mr.A.Senthil Kumaran
For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1 & R.2

Mr.Paranjothi for R.3

No Appearance for R.4

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the official respondents and the learned counsel appearing for the third respondent.

2. The writ petitioner purchased the petition mentioned property from one Mrs.S.Panchavarnam on 05.08.2009. Based on the said purchase, the petitioner applied to the Settlement Tahsildar, Aranthangi, for issuance of patta. On 20.04.2010, the Settlement Tahsildar, Aranthangi, effected mutation in the record and issued settlement patta in favour of the petitioner. The petitioner also got corresponding mutations effected in the chitta. In the chitta, there is a reference to the settlement patta issued in favour of the petitioner.



W.P(MD)No.23255 of 2015

WEB COPY

3. While so, the third respondent herein preferred an appeal before the first respondent. This enquiry took place in the year 2011. On 13.06.2012, the impugned order came to be passed. Interestingly the petitioner's vendor's vendor alone figured as the contesting respondent in the said proceedings. The petitioner was not put on notice. The impugned order which is adverse to the petitioner was passed behind his back. This is a clearly violation of the principles of natural justice.

4. Even though the learned counsel appearing for the third respondent made a valiant attempt to sustain the impugned order, I am more than satisfied that the principle of natural justice has been contravened. On this sole ground the order is set aside. The matter is remitted to the file of the first respondent. It is seen that the petitioner has since filed O.S.No.74 of 2020 on the file of the learned Principal District and Sessions Judge, Pudukottai seeking the relief for declaration and permanent injunction. It is open to the petitioner to raise all the contentions available. But pendency of the suit will not be one of the points that can be canvassed by the petitioner. This is because the case of the third respondent is that his father's name was in the revenue record and it was deleted without notice. Therefore, pendency of the suit will not be a bar for the first respondent to consider the appeal filed by the third respondent. I make it



W.P(MD)No.23255 of 2015

clear that I have not gone into the merits of the matter. All the contentions of the respective parties are left open. The parties shall appear before the first respondent on **28.08.2023 at 03.00 p.m.** The first respondent shall issue notice to other stakeholders if any. An order on merits and in accordance with law will be passed by the first respondent within a period of eight weeks thereafter.

5. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

07.08.2023

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

To

1.The Assistant Settlement Officer,
Land Reforms – North,
Ezhilagam,
Chennai.

2.The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

Copy to

The Principal District and Sessions Judge,
Pudukottai.



WEB COPY



W.P(MD)No.23255 of 2015

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.23255 of 2015
and
M.P(MD)Nos.1 & 2 of 2015

07.08.2023