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W.P.(MD)NO.9435 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9435 of 2015 AND
M.P.(MD)Nos.1 & 2 of 2015

Pandi Thevar

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
3. The Revenue Divisional Officer cum
Sub Collector, Paramakudi,
Ramanathapuram District.
4. The Tahsildar,
Kadaladi Taluk Office,
Ramanathapuram District.

5. Nagendiran

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the fourth respondent in Na.Ka.B1/4273 / 2015 dated 03.06.2015 and quash the same.



For Petitioner : Mr.R.Sathish
For R-1 to R-4 : Mr.N.Satheesh Kumar,
Additional Government Pleader.
For R-5 : Mr.Pethurajesh

* * *

ORDER

Heard the learned counsel on either side.

2. By the impugned order dated 03.06.2015, the petitioner has been asked to remove the petition-mentioned encroachment.

3. It is not in dispute that the Sub Collector, Paramakudi passed an order dated 18.01.2015. The petitioner has since filed the revision before the District Revenue Officer, Ramanathapuram. A copy of the enquiry notice dated 01.04.2015 has been enclosed at page No.25 of the typed set of papers. When the primary order has been put to challenge and the revisional authority is said to be seized of the matter, the revision proceedings could not have been rendered infructuous by enforcing the order dated 18.01.2015 in the



meanwhile. In this view of the matter, the order impugned in this writ petition is set aside. This writ petition stands allowed.

4. The fourth respondent will take further action based on the outcome of the revision petition filed by the petitioner and others against the order dated 18.01.2015 passed by the Sub Collector, Paramakudi. The District Revenue Officer, Ramanathapuram shall dispose of the appeal filed by the petitioner on merits and in accordance with law after issuing notice to all the concerned parties within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

25.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU



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W.P.(MD)NO.9435 OF 2015

G.R.SWAMINATHAN,J.

PMU

To:

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
3. The Revenue Divisional Officer cum
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