



W.P(MD)No.9921 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9921 of 2015

and

W.M.P.(MD)Nos.18642 & 18643 of 2017

and

W.M.P.(MD)No.736 of 2021

V.Chinna Muniandi (died)

C.Periyammal

(This Court vide order dated 15.09.2023

in W.M.P.(MD)No.4193 of 2023 substituted
the petitioner's name)

... Petitioner

Vs.

1.The Additional Chief Secretary /
Commissioner of Land Administration,
Chepauk, Chennai 600 005.

2.The V.Megaraj

3.K.Subramani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the Impugned order of the 1st respondent in Ref. No. K4/23938/2014 dated 14.05.2015 and quash the same.



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For Petitioner : Mr.S.Ramsundar Vijayaraj

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1

: Ms.G.Vidhya Mageswaran for R2 & R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

2. The respondents 2 & 3 were served and they had also engaged a counsel. The counsel engaged by the respondents 2 & 3 passed away in the year 2019. His erstwhile colleagues informs the Court that this bundle had been returned to the respondents 2 & 3. But they have not chosen to make alternative arrangement.

3. The writ petitioner feeling aggrieved by an UDR entry filed revision before the District Revenue Officer, Virudhunagar. Vide order dated 08.03.2012, the petitioner's revision was allowed. Before passing the order, the respondents 2 & 3 were put on notice. In fact, the name of the second respondent only appears in the record. The name of the third respondent does not appear in the record. Citing it as a reason, the third respondent filed W.P.



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(MD)No.207 of 2013 before this Court. The writ petition was disposed of by giving liberty to him to move the Commissioner of Land Administration. Copy of the order dated 22.07.2014 has been enclosed in the typed set of papers. This Court had observed that Thiru.K.Subramani was also put on notice before the District Revenue Officer passed the order dated 08.03.2012. Availing the said liberty, the third respondent as well as the second respondent filed petition before the Commissioner of Land Administration. The Commissioner of Land Administration vide order dated 14.05.2015 set aside the order of the District Revenue Officer and remitted the matter to his file for fresh enquiry. The said order is put to challenge in this writ petition.

4. I do not want to go into the merits of the matter. It is too obvious that the Commissioner of Land Administration, Chepauk, Chennai allowed the revision petition filed by the contesting respondents herein without notice to the petitioner. When the writ petitioner had succeeded before the District Revenue Officer and the said order is being set aside, it was incumbent on the part of the Commissioner of Land Administration to notify the petitioner before doing so. The order was passed behind the petitioner's back. This is a clear violation of the principles of natural justice. On this sole ground, the impugned order is set aside. The matter is remitted to the file of the first respondent to pass order afresh on merits and in accordance with law.



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G.R.SWAMINATHAN, J.

rmi

5. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

15.09.2023

Index : Yes / No

Internet : Yes/ No

rmi

To

The Additional Chief Secretary /
Commissioner of Land Administration,
Chepauk, Chennai 600 005.

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