



W.P.(MD) No.21588 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.(MD) No.21588 of 2021

and

W.M.P.(MD) No.18147 of 2021

1.P.Kathiresan

2.Mayakkal

.. Petitioners

Vs.

1.The District Revenue Officer,
Madurai.

2.The Revenue Divisional Officer,
Tirumangalam Taluk,
Madurai District.

3.The Thasildhar,
Tirumangalam Taluk,
Madurai District.

4.Thangammal

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the third respondent dated 10.08.2021 in proceedings in Mu.Mu.No. 1528/2021/A3 on the file of the third respondent, quash the same as the same is arbitrary, ultravires, contrary to the principles of natural justice,



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Audi Alteram Partem and consequentially direct the respondents to conduct an enquiry afresh on affording opportunity of hearing to the petitioner in respect of the properties comprised in 180/4, 201/1, 201/5 to an extent of 1 acre 13 cents, 64 cents, 60 cents respectively totally to an extent of 2 acres situated at A.Kokkulam Village, Tirumangalam Taluk, Madurai District.

For Petitioner	:	Mr.R.G.Shankar Ganesh
For RR1 to 3	:	Mr.A.K.Manikkam Special Government Pleader
For R4	:	Mr.J.Karthikeyan

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent through the impugned proceedings dated 10.08.2021 and for a consequential direction to the respondents to conduct a fresh enquiry by affording opportunity to the petitioners.

2. When this Writ Petition came up for admission on 07.12.2021, this Court passed the following order:



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“The Writ Petition has been filed questioning the order of the third respondent / the Tahsildar, Tirumangalam Taluk, Madurai District. As a matter of fact, the said impugned order is a consequential order to the order passed by the first respondent / the District Revenue Officer, Madurai.

2. It is the specific contention of the learned counsel for the petitioner that the order of the District Revenue Officer, Madurai had not been served on the petitioner herein.

3. Mr.S.Shanmugavel, learned Additional Government Pleader, takes notice on behalf of respondents 1, 2 and 3 and he may determine whether the order of the District Revenue Officer had actually been passed or had also been served on the contesting parties. A copy of the same may also be produced before this Court.

4. Issue notice to the fourth respondent through Court and also privately returnable by 04.01.2022.

5. Call the matter again on 04.01.2022.

6. Let no further proceedings continue without further orders of this Court.”



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3. When the matter was taken up for hearing today, the learned Additional Government Pleader appearing for the official respondents produced the order passed by the District Revenue Officer, Madurai, dated 19.05.2021. The impugned order that has been put to challenge in the present Writ Petition is only a consequential order passed by the third respondent, pursuant to the order passed by the the District Revenue Officer, Madurai. Therefore, if the petitioners are aggrieved by the order passed by the District Revenue Officer, Madurai, that has to be challenged independently. A copy of the order passed by the District Revenue Officer, Madurai, was furnished to the learned counsel appearing for the petitioners.

4. In the light of the above discussion, liberty is granted to the petitioners to challenge the order passed by the District Revenue Officer, Madurai, dated 19.05.2021 and work out their remedy in accordance with law.



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5. This Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.11.2023

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

ssb



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N. ANAND VENKATESH, J.

ssb

To

- 1.The District Revenue Officer,
Madurai.
- 2.The Revenue Divisional Officer,
Tirumangalam Taluk,
Madurai District.
- 3.The Thasildhar,
Tirumangalam Taluk,
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