

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.14663 of 2016
and W.M.P(MD).Nos.10883 and 10884 of 2016

D.Selvaraj

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai District.

2.The Tahsildar,
Thirumangalam Taluk,
Thirumangalam,
Madurai District.

3.V.Ramasamy

4.Chandra

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records in pursuant to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.18929/2015/G5 dated 16.02.2016 and quash the same as illegal.

For Petitioner :Mr.S.Madhavan
For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader
for R1 and R2
No-appearance for R3 and R4

ORDER

The petitioner assails an order dated 16.02.2016 of the District Revenue Officer, Madurai. The said order is assailed on the ground that the petitioner was not put on notice, although the petitioner is the owner of 56 cents in Survey No.278/4B and 43 cents in Survey No.278/4D.

2. Learned counsel for the petitioner relies upon the sale deed dated 21.06.1996 and sale deed dated 12.04.2013 in this regard. He also relies upon the pattas issued in the name of the petitioner both in respect of Survey Nos.278/4B and 278/4D.

3. On perusal of the impugned order, it is evident that V.Ramasamy and Chandra were put on notice as petitioners and Ramasamy Gounder, as the counter party before the District Revenue Officer.

4. Since the petitioner was not put on notice and provided a reasonable opportunity, the impugned order is liable to be quashed on this ground. Consequently, the impugned order dated 16.02.2016 is quashed and the matter is remitted for re-consideration by the District Revenue Officer. The District Revenue Officer shall provide a reasonable opportunity to the petitioner, respondents 3 and 4 herein and any other interested person before deciding the matter.

5. Accordingly, W.P(MD).No.14663 of 2016 is allowed. There shall be no order as to costs. Consequently, connected W.M.P(MD).Nos.10883 and 10884 of 2016 are closed.

29.03.2023

NCC :No
Internet :Yes
Index :No
ssb

To

1.The District Revenue Officer,
Madurai District.

2.The Tahsildar,
Thirumangalam Taluk,
Thirumangalam,
Madurai District.

W.P.(MD)No.14663 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

ssb

W.P.(MD)No.14663 of 2016

29.03.2023