



W.P.(MD)No.2441 of 2016

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :14.03.2023

CORAM

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.(MD)No.2441 of 2016

and

W.M.P.(MD).No.2195 of 2016

Kandasamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,  
Kulithalai,  
Karur District.

2.The Headquarters Deputy Tahsildar,  
Manmangalam Village,  
Manmangalam Taluk,  
Karur District.

3.Sekar,

4.Periyasamy

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned patta proceedings to the second respondent dated 10.06.2014 in respect of Patta No.1497 quash the same and

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consequently directing the second respondent to restore the patta exclusively the name of the petitioner.

For Petitioner :Mr.N.Shanmugaselvam

For Respondents :Mr.S.Kameswaran  
Government Advocate for R1 & R2

:Mr.L.Prabakaran for R3 & R4

### **ORDER**

The petitioner has assailed an order dated 10.06.2014 in respect of Patta No.1497. The primary grievance of the petitioner is that the second respondent issued the impugned patta without providing a reasonable opportunity to the petitioner.

2. Learned counsel for the petitioner invited my attention to paragraph 4 and 5 of the counter affidavit of the second respondent and pointed out that it is admitted therein that the relevant files pertaining to the enquiry were misplaced. Learned counsel further points out that the second respondent has agreed to conduct a fresh enquiry.



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3. Learned Government Advocate has placed before me a communication dated 06.03.2023 from the Thasildar, Manmangalam, whereby the parties have been called for an enquiry on 15.03.2023 at 03.00p.m.

4. In view of the statement in the counter affidavit that the relevant files pertaining to the alleged enquiry conducted by the second respondent have been misplaced, the impugned order is not sustainable. Consequently, the impugned order is quashed and the matter is remanded to the Thasildar, Manmangalam, for fresh enquiry. Such enquiry shall be conducted after providing a reasonable opportunity to the petitioner and the third and fourth respondents herein. A reasoned order shall be passed upon the conclusion of the enquiry and the entire process shall be concluded within a period of six weeks from the date of receipt of a copy of this order.



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5. W.P.(MD).No.2441 of 2016 is disposed of on these terms, without any order as to costs. Consequently, connected W.M.P.(MD).No. 2195 of 2016 is closed.

**14.03.2023**

NCC :Yes/No  
Internet :Yes/No  
Index :Yes/No  
*sbm*

To

- 1.The Revenue Divisional Officer,  
Kulithalai,  
Karur District.
- 2.The Headquarters Deputy Tahsildar,  
Manmangalam Village,  
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**SENTHILKUMAR RAMAMOORTHY, J.**

*sbn*

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W.M.P.(MD).No.2195 of 2016

14.03.2023