



W.P(MD)No.25323 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25323 of 2023

and

W.M.P.(MD)Nos.21520, 21521, 21522 & 22925 of 2023

R.Dhakshina Murthy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The Tahsildar,
Karaikudi Town,
Taluk Office,
Karaikudi 630 001,
Sivagangai District.

3.The Joint Sub Registrar-II,
Karaikudi,
Sivagangai District.

4.Balasubramanian

... 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 made by the 1st respondent in Mu.Mu.No.A1/9991/2022 dated 23.06.2023 and quash the same as illegal.



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For Petitioner : Mr.K.Mahaboob Athiff

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 to R3

: Mr.V.R.Shanmuganathan for R4

ORDER

Heard both sides.

2. The petitioner challenges the impugned order dated 23.06.2023 passed by the Revenue Divisional Officer, Devakottai issuing patta in favour of the fourth respondent in respect of 1 acre and 20 cents in New T.S.No.1501/1A3A. The said survey number corresponded to old Survey No.429 part, Karaikudi.

3. I consciously refrain from going into the merits of the matter. The petitioner herein claims right over the same through his grand mother Angammal. Angammal is said to have purchased the property vide sale deed dated 12.11.1959 and according to the petitioner, the present property formed part of the same. Angammal had three sons namely Sundarrajan, Ramadoss and Sripathi. She executed a will in their favour dated 17.12.1982. Contending that mutation should be made in favour of the petitioner and his siblings, the petitioner had filed an application dated 13.03.2023. The Revenue Divisional Officer, Devakottai was one of the recipients of the said application. Subsequently, the petitioner also filed W.P.(MD)No.10321 of 2023 for directing the RDO, Devakottai to act on the same. The writ petition was dismissed as



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infructuous on 22.06.2023. The impugned order in favour of the fourth respondent was passed on 23.06.2023. The only ground on which I am setting aside the impugned order is that the petitioner was not heard before passing the impugned order. The impugned order is set aside. The matter is remitted to the file of the first respondent. Since the impugned order is being set aside only at the instance of the petitioner, the writ petitioner shall be heard by the first respondent. The petitioner through his counsel states that he would intimate the other legal heirs of Angammal. The petitioner alone shall be heard. It is open to the other claimants if any to appear before the first respondent. The first respondent shall hold an enquiry on 01.12.2023 at 3.00 pm. Enquiry shall be concluded on merits and in accordance with law and final order shall be passed in the matter within a period of eight weeks thereafter. Since the impugned order has already been given effect to, the fourth respondent shall not deal with the property till the first respondent passes the final order in the matter.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

06.11.2023

Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 08.11.2023



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G.R.SWAMINATHAN, J.

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To

- 1.The Revenue Divisional Officer,
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