



W.P(MD)No.28404 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.28404 of 2022

and

W.M.P(MD)Nos.22429 & 22430 of 2022

Marimuthu

... Petitioner

Vs.

- 1.The District Collector,
District Collectorate Office,
Kokkirakulam Road,
Near Science Centre,
Kokkirakulam,
Tirunelveli District.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Collectorate Campus Kokkirakulam,
Tirunelveli District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Collectorate Campus Kokkirakulam,
Tirunelveli District.
- 4.The Tahsildar,
Office of the Tahsildar,
Taluk Office,
Palayamkottai,
Tirunelveli District.

... Respondents



W.P(MD)No.28404 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the third respondent vide his proceedings Mo.Mo.No.A3/2327/2022, dated 26.08.2022 and quash the same as illegal and pass such other and further orders as this Court.

For Petitioner : Mr.G.Karthik

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned Counsel on either side.

2. The writ petitioner and the adjacent land owners, namely, Ponammal and Ganesh submitted an application dated 07.04.2022 through online for sub division and issuance of individual pattas. By the impugned order, the Revenue Divisional Officer, Tirunelveli has restored the name of the original pattadhars, namely, Travancore Samasthanam. The grievance of the petitioner is that based on the petitioner's application, an order prejudicial to him has been passed. The third respondent wanted to know the basis on which the petitioner is tracing his title as well as the link documents. An enquiry must have been conducted. Without holding an enquiry, the impugned order has been passed.



W.P(MD)No.28404 of 2022

3. I went through the impugned order. It is seen that the petitioner was not heard. The authority has passed the order based on the Tahsildar's report and the documents available on record. I therefore hold that the impugned order is violative of the principles of natural justice. Hence, it is set aside. The matter is remanded to the file of the third respondent. The third respondent will issue notice to the petitioner and other interested persons and thereafter pass final order on merits and in accordance with law. This exercise shall be completed as expeditiously as possible. It is however directed that the petitioner shall not alienate or encumber the petition mentioned property till the conclusion of the enquiry proceedings and passing of final order by the Revenue Divisional Officer, Tirunelveli. This writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

27.01.2023

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



W.P(MD)No.28404 of 2022

To

WEB COPY

1. The District Collector,
District Collectorate Office,
Kokkirakulam Road,
Near Science Centre,
Kokkirakulam,
Tirunelveli District.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Collectorate Campus Kokkirakulam,
Tirunelveli District.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Collectorate Campus Kokkirakulam,
Tirunelveli District.
4. The Tahsildar,
Office of the Tahsildar,
Taluk Office,
Palayamkottai,
Tirunelveli District.



WEB COPY



W.P(MD)No.28404 of 2022

G.R.SWAMINATHAN, J.

Btr

W.P(MD)No.28404 of 2022

and

W.M.P(MD)Nos.22429 & 22430 of 2022

27.01.2023