



WEB COPY



W.P.No. 27867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :05.11.2024

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.27867 of 2024
and W.M.P.No.30381 of 2024

P.Jothi

... Petitioner

Vs

1.The District Collector,
Collectorate,
Salem-636 007,
Salem District.

2.The Revenue Divisional Officer,
Attur,
Salem District.

3.The Revenue Tahsildar,
Attur Taluk,
Salem District.

4.V.C.Varadharajulu

5.Vijayachandran

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the records



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relating to the impugned order dated 23.08.2024 made in Mu.Mu.8349/2023/Aa1 passed by the 2nd respondent, Quash the same and consequently delete the name of late Dhanalakshmi in Patta No.1133 in respect of 1.53 acres comprised in S.F.No.122/2A, Narasingapuram Village, Attur Taluk, Salem District.

For Petitioner : Mr.N.Manokaran
for Mr.KA.Prabakaran
For Respondents 1 to 3 : Mr.M.R.Gokul Krishnan
Additional Government Pleader
For Respondents 4 & 5 : Mr.R.Saravanan

ORDER

The writ petitioner seeks to quash the impugned order passed by the second respondent dated 23.08.2024 made in Mu.Mu.8349/2023/Aa1 and to delete the name of late Dhanalakshmi in Patta No.1133 in respect of 1.53 acres comprised in S.F.No.122/2A, Narasingapuram Village, Attur Taluk, Salem District.

2. The limited grievance that has to be addressed in the above



writ petition is that the impugned order, which runs into several pages, has been passed by an Officer who has neither conducted an enquiry nor heard the parties. The enquiry in the above proceedings was heard by one V.Ramesh, the then Revenue Divisional Officer. The first summons was issued on 13.12.2023 directing the parties to be present on 29.12.2023. Thereafter, the said summons for an enquiry was issued by the said Officer on ...02.2024 which appears to have been signed by one of the Officers on 25.01.2024 calling upon the parties to be present on 05.02.2024 for an enquiry. Thereafter, by orders of the Government in G.O.Ms.No.2(d) No.34 [Revenue and Disaster Department] dated 07.02.2024, the said Ramesh was relieved from the post of the Revenue Divisional Officer, Attur and the incumbent, Priyadharshini had taken charge in his place. After assuming charge, the said Officer has not called the parties for enquiry. This is evidenced by the fact, in reference No.5 of the impugned order, the Officer would only refer to the notices dated 13.12.2023 and 25.01.2024.



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3. Therefore, taking note of the above facts and without going into the merits of the case, as the principles of natural justice have not been followed, the impugned order dated 23.08.2024 is set aside and the matter is remitted back to the file of the second respondent herein to hear the matter afresh and pass orders on merits and in accordance with law, after giving notice to both parties, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.11.2024

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

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P.T.ASHA, J.,

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