



W.P(MD)No.7243 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7243 of 2024

and

W.M.P.(MD)Nos.6679 and 6680 of 2024

M.Rajamanickam

... Petitioner

Vs.

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

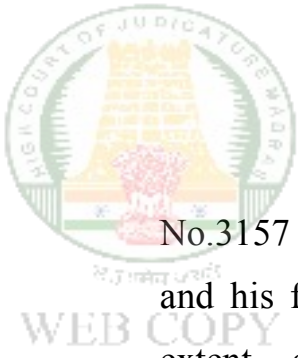
2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

4.Ayyadurai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling the impugned order of the 2nd respondent in Moo.Mu.A1-9662-2018 dated 21.02.2020 and consequential order of the 2nd respondent in Pa.Mu.A1/5683/2021 dated 04.11.2022 and the consequential order of the 1st respondent in Moo.Mu.P1/10871/2023 dated 10.10.2023 and quash the same as illegal and consequently directing the respondent to cancel the Patta



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No.3157 and to restore the Patta No.2969 stands in the name of the petitioner and his family member pertaining to the landed property in S.No.7/1 for an extent of 1.05.00 Hectare situated at Sadurvedamangalam Village, Singampunari Taluk, Sivagangai District.

For Petitioner : Mr.V.Thirumal

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 to R3.
Mr.J.Jeyaprakesh,
For Ms.N.Sutharani for R4.

ORDER

Heard both sides.

2.The petition mentioned property originally stood in the name of one Muthammal. She is said to have moved to Srilanka and died there. The petitioner's case is that his father and Muthammal's husband were siblings and that is how, the property came to be mutated in favour of Muthaiah and following his demise, the revenue record came to reflect the names of the leal heirs of Muthaiah.

3.At this stage, the fourth respondent herein claiming to be a power agent of one of the sons of Muthammal lodged claim before the jurisdictional



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Tashildar for mutation of patta in his favour. The jurisdictional Tahsildar negatived his request. Thereafter, Ayyadurai went before the Revenue Divisional Officer, Devakottai. The Revenue Divisional Officer, Devakottai declined to interfere. Thereafter, once again, Ayyadurai went before the Revenue Divisional Officer, Devakottai. This time, he was successful. Without hearing the incumbent pattadars including the petitioner herein, the Revenue Divisional Officer, Devakottai vide order dated 21.02.2020 cancelled the petitioner's patta and restored the name of Muthammal. When the petitioner became aware of the same, he filed a petition before the Revenue Divisional Officer, Devakottai who vide order 04.11.2022 dismissed the same. Thereafter, the petitioner filed revision before the District Revenue Officer, Sivagangai. In the meanwhile, the fourth respondent filed a civil suit. Citing the pendency of the civil suit, the District Revenue Officer, Sivagangai declined to interfere. Challenging these orders, the present writ petition came to be filed.

4.I make it very clear at the very out set that I do not intend to go into the factual aspects of the matter. The merits of controversy have not been gone into. Only on the ground of violation of principles of natural justice, I am setting aside the impugned mutations. Admittedly, when the Revenue Divisional Officer, Devakottai passed order on 21.02.2020, the petitioner was the



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incumbent pattadar. He ought to have been put on notice. No notice was issued to him. In any event, no proof has been produced indicating service of notice on the petitioner.

5.In this view of the matter, the order dated 21.02.2020 passed by the second respondent is set aside. Consequently, the orders dated 04.11.2022 as well as 10.10.2023 are also set aside. The matter is remitted to the file of Revenue Divisional Officer, Devakottai. The Revenue Divisional Officer, Devakottai shall hear the parties concerned and pass an order on merits and in accordance with law.

6.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

10.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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