



W.P(MD)No.12340 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 05.04.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.12340 of 2021

and

W.M.P.(MD)Nos.9689 and 9692 of 2021

Chidambaranathan

: Petitioner

Vs.

1.The District Revenue Officer,
Pudukottai,
Pudukottai District.

2.The Tahsildar,
Kulathoor Taluk,
Pudukkottai District.

3.Ramayee

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Ex-parte order passed by the first respondent in Ni.Mu.No.11662/2018 (D3), dated 17.08.2018 and its consequential patta transfer made by the second respondent in Patta



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No.4174 and to quash the same as illegal and consequently, direct the respondents 1 and 2 to reopen the proceedings afresh after affording the petitioner due opportunity.

For Petitioner : Mr.M.Sathiamoorthy

For Respondents : Mr.M.Prakash,
Additional Government Pleader,
for R1 & R2

: Mr.N.Anandakumar, for R3.

ORDER

The Writ Petition is directed against the order passed by the first respondent in Ni.Mu.No.11662/2018 (D3), dated 17.08.2018 and the consequential patta transfer made by the second respondent in Patta No.4174 and to direct the respondents 1 and 2 to reopen the proceedings afresh after affording due opportunity to the petitioner.

2. It is not in dispute that the third respondent has earlier filed a writ petition in W.P.(MD)No.10091 of 2018 seeking Writ of Mandamus, directing the first respondent herein to complete the enquiry with regard to the cancellation of patta filed by the third respondent herein within



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stipulated time after affording opportunity to the petitioner herein/fourth respondent therein and this Court vide order, dated 28.04.2018 directed the second respondent to consider the representation of the third respondent for cancellation of patta, which is pending before him on its own merits and after giving opportunity to the petitioner as well as the third respondent herein. In pursuance of the same, the first respondent has passed the impugned order, dated 17.08.2018.

3. The main contention of the writ petitioner is that no notice was sent to him and the orders of this Court has not been complied with, before passing of the impugned order and that since the impugned order has been passed violating the principles of natural justice, the petitioner was constrained to file the present writ petition.

4. As rightly contended by the learned counsel for the petitioner, the District Revenue Officer has taken note of the report filed by the Tahsildar, Kulathoor Taluk, wherein he has specifically observed that he could not examine the petitioner as he was reported to be residing at Tiruchirappalli.



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5. The first respondent in the impugned order has nowhere stated that notice was served on the petitioner and despite the same, he has not taken part in the proceedings.

6. The learned counsel for the third respondent would submit that the first respondent may be directed to conduct enquiry afresh and pass orders within time stipulated by this Court.

7. Considering the submissions made by the learned counsel on either side and taking note of the fact that the notice was not sent to the petitioner and the impugned order came to be passed without hearing the petitioner, this Court has no hesitation to hold that the impugned order is legally unsustainable and the same is liable to be set aside.

8. In the result, the Writ Petition is allowed and the impugned order passed by the first respondent dated 17.08.2018 is set aside. The first respondent is directed to restore the proceedings to his file and to conduct enquiry after issuing notice to the petitioner as well as the third respondent



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and pass orders in accordance with law, within a period of 12 weeks from the date of receipt of copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.04.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

1.The District Revenue Officer,
Pudukottai,
Pudukottai District.

2.The Tahsildar,
Kulathoor Taluk,
Pudukkottai District.



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K.MURALI SHANKAR,J.

DAS

Order made in
W.P.(MD)No.12340 of 2021
and
W.M.P.(MD)Nos.9689 and 9692 of 2021

Dated : 05.04.2024