



W.P(MD)No.15044 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15044 of 2020

and

W.M.P.(MD)Nos.12683, 12676 & 12684 of 2020

1.Saminathan

2.Rajeshkumar

... Petitioners

Vs.

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

2.The Tahsildar,
Devakottai,
Sivagangai District.

3.Alagarsamy

4.Raman

... 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 passed by the 1st respondent in M.M.No.A1-7583/2018 dated 11.2019 signed on 31.01.2020 and quash the same.

For Petitioner : Mr.M.Murugan

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader for R1 & R2

: Mr.S.Muthukumar for R3 & R4



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ORDER

Heard both sides.

2. The assignment patta issued in favour of the petitioners was cancelled by the Revenue Divisional Officer, Devakottai on 31.01.2020. Challenging the same, this writ petition came to be filed.

3. I do not want to go into the merits of the matter. The petitioner's counsel contended that the impugned order was passed without notice.

4. The learned counsel appearing for the private respondents drew my attention to the information furnished under RTI Act and contended that notice was issued to the petitioners.

5. The reply given under RTI Act vide communication dated 29.11.2020 does not indicate that notice was issued under RPAD. Even the said communication states that notice was not returned. That means there was no service of notice on the petitioner herein. On this sole ground, the impugned order is set aside. The matter is remitted to the file of the first respondent. The petitioners as well as the private respondents will appear before the



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Revenue Divisional Office, Devakottai on 19.02.2024 at 03.00 pm. After conducting enquiry, the Revenue Divisional Office, Devakottai will pass an order on merits and in accordance with law within a period of three months thereafter. I make it clear that I have not gone into the merits of the matter. The parties will not receive any separate notice.

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

11.01.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

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

2.The Tahsildar,
Devakottai,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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