



W.P.(MD) No.15487 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.15487 of 2019
and
W.M.P.(MD).No.12129 of 2019**

- 1.C.Chinnakaruppan
- 2.C.Lakshmanan
- 3.C.Natarajan

... Petitioners

Vs.

- 1.The District Revenue Officer,
Collectorate Campus,
Madurai.
- 2.The Revenue Divisional Officer,
Collectorate Campus,
Madurai.
- 3.The Tashildar,
Melur Taluk,
Madurai District,
Madurai.
- 4.Pathey.Krishnakumar
- 5.C.Ramanathan Chettiyar
- 6.S.Meera

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified, to call for the records pertaining to the impugned order made in Na.Ka.No.50002/2014/G2 passed by the 1st respondent dated 30.05.2018 and quash the same.

For Petitioners : Mr.P.R.Prithiviraj

For respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3
RR4 to 6 - No Appearance

ORDER

Despite notice being served on the fifth respondent, there is no representation on behalf of the fifth respondent.

2. This is the second round of litigation before this Court. The Second respondent had passed an order dated 09.09.2014 in his proceedings bearing reference No.நிமு.எண்.3374/2014/எண் dated 09.09.2014 in favour of the petitioner. Pursuant to the aforesaid order, the petitioner was also issued with patta by the third respondent/Tahsildar on 13.08.2015. In view of the above mentioned orders of the respondents 2 and 3, the subject matter was challenged before this Court in W.P.(MD)No.15747 of 2015 and by order dated 21.04.2016,



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the said Writ Petition was disposed of, wherein, the petitioner's brother, one Mr.C.Ramanathan Chettiyar was made as a party. It is the case of the petitioner that pursuant to the order dated 21.04.2016, the first respondent has, now, passed the impugned order dated 30.05.2018 in his proceedings bearing reference No.ந.க.எண்.50002/2014/ஜி2.

3. It is the case of the petitioner that the impugned order has been passed without conferring opportunity by hearing the petitioner. The specific reference was made to paragraph 3 of the order dated 21.04.2016 in W.P.(MD)No. 15747 of 2015, which reads as under:

“3. Though the learned Senior Counsel on instruction would state that they already given for withdrawal of the proceedings, in view of the fact that the competent authority is the District Revenue Officer, who already is seized of the matter, he shall give notice to all the interested parties and pass appropriate orders, in the abovesaid revision itself, on merits and in accordance with law.”

4. Reading the above indicates that the notice has to be issued to all the interested parties. Admittedly, in this case, the impugned order has been passed in respect of the patta, which is granted to them on 13.08.2015, pursuant to the order



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dated 09.09.2014 of the second respondent.

5. Considering the above, the impugned order is set aside and the case is remitted back to the first respondent to pass fresh orders on merits and in accordance with law, after hearing all the parties within a period of 12 weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition stands disposed of, with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

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Internet : Yes / No

apd

To

1.The District Revenue Officer,
Collectorate Campus,
Madurai.

2.The Revenue Divisional Officer,
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3.The Tashildar,
Melur Taluk,
Madurai District,
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C.SARAVANAN, J.

apd

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