



W.P(MD)No.17131 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17131 of 2020

and

W.M.P.(MD)No.14289 of 2020

M/s.Crescent Power Limited,
represented by its Authorised Signatory,
Mr.Amit Kumar Thakur,
No.333/1, Neeravi Village,
Kamuthi Taluk,
Ramanathapuram-623 603.

... Petitioner

Vs.

1.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.

4.Mr.S.Sivakumar

... 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 of the impugned order passed by the 1st Respondent in proceeding No.PA.MU(B5)/37788/2019 dated 04.06.2020 pursuant to the impugned order



W.P(MD)No.17131 of 2020

of the 2nd respondent in Pa.Mu.A2/2047/2014 dated 11.11.2016 quash the same as illegal and consequentially direct the 2nd respondent to conduct the appeal proceedings after affording reasonable opportunity to the petitioner and pass orders afresh.

For Petitioner : Mr.M.Senthil Kumar

For Respondents : Mr.K.S.Selvaganeshan
Additional Government Pleader for R1 to R3

: Mr.R.Suriya Narayanan for R4

ORDER

Heard both sides.

2. Patta in respect of the petition mentioned land stood in the name of the petitioner. At the instance of the fourth respondent, patta was cancelled by the second respondent. This was done without notice to the petitioner. Challenging the order passed by the second respondent, the petitioner filed revision before the first respondent. The revision was filed beyond time. In matters such as this, delay should be condoned and the case disposed of on merits. But the first respondent took a narrow view of the matter and non-suited the petitioner at the condone delay stage itself. Challenging the dismissal of the revision petition at the condone delay stage, the present writ petition came to be filed.



W.P(MD)No.17131 of 2020

3. The question that should have been posed to the first respondent was whether the cancellation order was passed by the second respondent after issuing notice to the petitioner. In this view of the matter, the order impugned in the writ petition is set aside. The first respondent is directed to condone the delay and number the revision petition filed by the petitioner. The issue shall be heard on merits by the first respondent. I must place on record the contention of the learned counsel appearing for the fourth respondent that mutation made in favour of the petitioner itself was fraudulent and that fraud would unravel everything. I do not want to go into the merits of the issue. The petitioner as well as the fourth respondent shall appear before the first respondent on 16.02.2024 at 03.00 p.m. The parties will not receive any independent notice in this regard. On the said date, the first respondent will hear both the parties subject to his workload. The first respondent will pass an order on merits and in accordance with law based on the materials on record on or before 31.05.2024. I reiterate that I have not gone into the merits of the matter. The order impugned in the writ petition is set aside.

4. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

08.01.2024

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.17131 of 2020

G.R.SWAMINATHAN, J.

rmi

To

- 1.The District Revenue Officer,
Ramanathapuram District,
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- 3.The Tahsildar,
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W.P(MD)No.17131 of 2020

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