



W.P(MD)No.17485 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.17485 of 2021

and

W.M.P.(MD)No.14348 of 2021

P.K.Saminathan

... Petitioner

Vs.

1. The Special District Revenue Officer,
National Highways – Land Acquisition,
K.K.Nagar, Madurai-625020.

2. P.Kumaran

3. P.Akila

4. R.Mekala

... 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 entire records pertaining to the impugned order passed by the first respondent in நி.மு.எண்.ஜி2/9029/2015 dated 05.08.2021 and quash the same as illegal and consequently direct the first respondent to try the aforesaid revision in accordance with law after getting impleaded the legal heirs of the respondent Nos.4, 6 and 10 in revision No. ஜி2/9029/2015.



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For Petitioner : Mr.C.M.Arumugam
For R1 : M/s.K.Christy Theboral
Additional Government Pleader
For R2 to R4 : Mr.S.Balaji

ORDER

The Writ Petition is directed against the order passed by the first respondent dated 05.08.2021 confirming the order passed by the Revenue Division Officer (RDO), Madurai dated 29.12.2014.

2. When the matter is taken up for hearing today, the learned counsel appearing for the writ petitioner would submit that when the order of the first respondent came to be passed on 05.08.2021, the respondents 1, 4, 6 and 10 in the revision were not alive and as such, the impugned order came to be passed against the dead persons.

3. The learned counsel appearing for the respondents 2 to 4 would submit that the Revenue Division Officer has passed the order on 29.12.2014 and even at that time, the fourth appellant therein Susila was no more as she was reported dead on 06.08.2014 and the same was not intimated by the writ petitioner before the Revenue Division Officer.



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4. Whatever it is, since the impugned order came to be passed against dead persons and taking note of the submissions made by the learned counsel appearing for the writ petitioner as well as respondents 2 to 4, without going into the merits and claim of both the parties, the impugned order dated 05.08.2021 is set aside and the matter is remitted back to the first respondent and the first respondent is directed to restore the same on file and after restoration, the parties are directed to take necessary steps for the deceased respondents and after completion of that process, the first respondent is directed to proceed with the enquiry and pass orders in accordance with law within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

04.04.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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K.MURALI SHANKAR, J

csn

To

1. The Special District Revenue Officer,
National Highways – Land Acquisition,
K.K.Nagar,
Madurai-625020.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P.(MD)No.17485 of 2021
and
W.M.P.(MD)No.14348 of 2021

Dated : 04.04.2024