



W.P(MD)No.18320 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18320 of 2020

and

W.M.P.(MD)No.15307 of 2020

Pandi

... Petitioner

Vs.

1.The District Collector,
Sivagangai.

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

3.The Tahsildar,
Devakottai Taluk,
Sivagangai.

4.Thirunavukarasu

... 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 relating to the impugned order passed by the 2nd respondent vide in Moo.Mu.A1-945-2020 dated 05.03.2020 quash the same as illegal and consequently direct the respondents 1 to3 restore the revenue entries in its original position, by adding the name of the petitioner asper his patta No.180 of Santhiyakottai Village, Devakottai Taluk.



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For Petitioner : Mr.A.Balakrishnan

For Respondent : Mr.M.Senthil Ayyanar
Government Advocate for R1 to R3

: Mr.S.Balakarthick for R4

ORDER

Heard both sides.

2. Vide order dated 05.03.2020, the Revenue Divisional Officer, Devakottai set aside the patta transfer made in favour of Kannan S/o. Ganapathy Pillai and directed that the revenue record should reflect the name of Karuppiah S/o.Ponnusamy. The said Karuppiah S/o.Ponnusamy is the fourth respondent's grandfather. This order was passed without notice to the incumbent pattadhar. On this sole ground of violation of principles of natural justice, the impugned proceedings are set aside.

3. The matter is remitted to the file of the second respondent. I consciously refrain from going into the merits of the matter. The learned counsel for the petitioner would state that the civil suit filed by the fourth respondent was dismissed and that the appeal is pending. Therefore, the second respondent cannot take up the matter for enquiry.

4. Since I am setting aside the impugned order only on the ground of principles of natural justice, I do not want to go into the matter further. The



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second respondent after hearing the parties will pass final order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. The petitioner as well as the fourth respondent will appear before the second respondent on 16.02.2024 at 03.00 pm. I have not gone into the merits of the issue. All the contentions of the petitioner are left open. The final order of the Revenue Divisional Officer can even be that the parties will have to abide by the outcome of the pending appeal proceedings.

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

10.01.2024

Index : Yes / No
Internet : Yes/ No
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To

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- 3.The Tahsildar,
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G.R.SWAMINATHAN, J.

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