



W.P.(MD) No.19310 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.19310 of 2024

and

W.M.P.(MD) Nos.16377 and 16378 of 2024

D.Manikandan

... Petitioner

/vs./

1.The District Collector,
Dindigul,
Dindigul District.

2.The District Revenue Officer,
District Revenue Office,
Dindigul,
Dindigul District.

3.The Tahsildar,
Tahsildar Office,
Vedasanthur Taluk,
Dindigul District.

4.Aanantharajan
*(cause title has been amended
vide order dated 18.09.2024)*

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order in his proceedings in Na.Ka. No.21162/2022/A6 dated 29.05.2024 issued by the 2nd respondent and set-aside the same as illegal.

For Petitioner : Mr.K.Sivabalan

For R1 to R3 : Mr.P.Thambidurai
Government Advocate

ORDER

The above writ petition has been filed for the issue of a Writ of Certiorari to quash order of the second respondent passed in Na.Ka. No.21162/2022/A6 dated 29.05.2024.

2. The petitioner would submit that an extent of 6 acres and 76 cents in S.No.437 at Nallamannarkottai Village, Vedasanthur Taluk, Palani Revenue Divisional, Dindigul District, belonged to one Sikkusavadaya Goudar and his brothers, namely Kaliyappa Goudar and Mottaya Goudar. The said Sikkusavadaya Goudar had three sons, Subbaiah Goudar, Nadarajan and Sakthivadivel and his brother had three sons, Subbaiah Goudar, Aalasavadaya Goudar and Kandasamy



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Goudar and his second brother Mottaya Gudar has one son, namely, Palanivel Goudar.

3. After the demise of Sikkusavadaya Goudar, his brothers had partitioned the property in 1953. Thereafter, there was an exchange of properties and ultimately, an extent of 3 acres and 78 cents from out of 6 acres and 76 cents in S.No.437 came under the possession of Subbaiah Goudar, the elder son of Sikkusavadaya Goudar. After the demise of Subbaiah Goudar, the property was being enjoyed by his son, Dhamodharan, the father of the petitioner.

4. Meanwhile, one Aanantharajan, who is the son of Aalasavadaya Goudar, the fourth respondent herein, claimed that 30 cents of land were mutated in excess in the name of Subbaiah Goudar and the petitioner's paternal aunt, namely Shanthi. S.No.437 was thereafter sub-divided in further into S.Nos.437/, 437/2, 437/3 and 437/4. An application had been filed by the fourth respondent during the UDR survey and on the basis of this application without notice to the petitioner and the other co-owners, the first respondent directed to conduct the survey and measure the property.



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5. A perusal of the impugned order shows that only Subbaiah Goudar, S/o.Sikkusavadaya Goudar and Shanthi have been issued with the summons. However, while extracting the arguments, neither the argument of Subbaiah Goudar nor the argument of Shanthi has been extracted and on the contrary, the petitioner would point out that the order refers to the arguments of one Savadammal. This Savadammal died as early as on 21.12.1992 and therefore, it clearly shows that the first respondent has not issued the notice to the persons, who are interested in the property. Neither the petitioner nor the other cousins have received the notice. However, the notice indicating that the survey is to be conducted on 09.08.2024 is addressed to the legal representatives of Savadammal. Considering the fact that since the legal representatives of Subbaiah Goudar has not been heard before the impugned order was passed, the impugned order of the second respondent in Na.Ka.No.21162/2022/A6 dated 29.05.2024 has to necessarily be set aside and is accordingly set aside.



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6. The Writ Petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

18.09.2024

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To

- 1.The District Collector,
Dindigul,
Dindigul District.
- 2.The District Revenue Officer,
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P.T.ASHA, J.

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