



W.P.(MD)No.22462 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.22462 of 2019

and

W.M.P.(MD)No.19245 of 2019

R.Sivaraman,
Rep. by his power of attorney,
M.S.Raju.

... Petitioner

/Vs./

1.The District Collector,
Collectorate,
Trichy.

2.The Revenue Divisional Officer, Trichy.

3.The Tahsildar,
Trichy Taluk,
Trichy.

4.Aathilakshmi

5.S.Daiveeganathan

6.Karthik

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned order of the 2nd respondent in Na.Ka.No.A7-2325-2016 dated 15.09.2016 and quash the same.

For Petitioner : Mr.R.S.Sivaram

For Respondents : Mr.D.Gandhiraj (R1 to R3)

Special Government Pleader

Mr.N.Anandhakumar (R4)

Mr.P.Ganapathi Subramanian (R5 & R6)

ORDER

This writ petition has been filed challenging the order/report passed by the second respondent dated 15.09.2016.

2. Heard the learned counsel on either side and perused the materials placed on record.

3. The petitioner owned plot No.75, comprised old S.F.No. 135/1, New UDR S.F.No.11, situated in Edamalaipattipudur village, Srirangam



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Taluk, Tiruchirappalli District. The subject property was purchased by the petitioner vide registered sale deed dated 24.04.2008 in Document No.2315 of 2008. When the petitioner was in abroad, the respondents 4 to 6 illegally trespassed into the petitioner's property and also demolished the compound wall, on the strength of the report submitted by the second respondent dated 15.09.2016, which was issued after a detailed enquiry conducted by the second respondent, on the complaint lodged by the fourth respondent and others, wherein, Anti Land Grabbing Cell directed the second respondent to conduct enquiry.

4. The complaint was lodged by the fourth respondent and others with an allegation that one Sadhasivam, who is the owner of plot Nos.76 to 78 illegally grabbed the plots. The second respondent conducted an enquiry, including the plot purchased by the petitioner, and he also submitted a report dated 15.09.2016 without even giving any notice to the petitioner and without conducting any enquiry. On the strength of the said report, the fourth respondent was issued with patta and she had taken possession of the entire property.



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5. The only grievance of the petitioner is that the petitioner was not given an opportunity of hearing, while conducting enquiry by the second respondent. On perusal of the records, it is seen that the petitioner was not even called for any enquiry and hence, it is a clear violation of principles of natural justice. The fourth respondent has also reported no instructions in this matter.

6. In view of the above, the impugned report of the second respondent dated 15.09.2016 cannot be sustained, insofar as plot No.75, comprised old S.F.No. 135/1, New UDR S.F.No.11, situated in Edamalaipattipudur village, Srirengam Taluk, Tiruchirappalli District alone. Accordingly, the impugned order dated 15.09.2016 passed by the second respondent is set aside, insofar as plot No.75, comprised old S.F.No. 135/1, New UDR S.F.No.11, situated in Edamalaipattipudur village, Srirengam Taluk, Tiruchirappalli District alone.

6. The second respondent is directed to issue notice to the petitioner and the respondents 4 to 6 and conduct fresh enquiry and pass orders, after giving opportunity of hearing to them, on merits and in



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accordance with law. The petitioner is also at liberty to produce all the relevant documents before the second respondent during enquiry.

7. In the result, This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

14.11.2024
(3/3)

Index : Yes / No
NCC : Yes / No
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TO:-

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- 3.The Tahsildar,
Trichy Taluk, Trichy.



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G.K.ILANTHIRAIYAN, J.

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Order made in
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(3/3)

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