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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.4567 of 2017
and
W.M.P(MD)Nos.3650 and 3651 of 2017

Sethuraman .. Petitioner

Vs.

1.The Revenue Divisional Officer,
Madurai.

2.The Thasildar,
Madurai South Taluk,
Madurai.

3.C.R.Lakshmi .. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the 1st respondent dated 30.09.2010 in proceedings Ne.Mu.No. 8372/2010/N, quash the same as the same is arbitrary, ultravires, contrary to the principles of natural justice, audi alteram partem.

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For Petitioner :Mr.R.G.Shankar Ganesh
For R1 & R2 :Mr.D.S.Neduncheziyan,
Government Advocate
For R3 :Mr.S.Natesh

ORDER

Challenging the impugned order having been passed without notice to the petitioner, the petitioner has filed the present writ petition

2.The petitioner would submit that the property, which is the subject matter of the writ petition, comprised in R.S.No.58/4 to an extent of 94 cents situated Thuvariman Village, Madurai South Taluk, Arasaradi Sub District, Madurai, originally belonged to one Renganathan, who purchased the same under a registered sale deed No.4851/06.09.1962. After his demise, the property devolved upon his son viz., Rajagopalan, who has executed a registered sale deed, dated 10.06.1993 in favour of the petitioner. From the date of purchase, he is in possession and enjoyment of the same and based on which, he has also got patta in his name in proceedings R.T.R.No.2316/2003.

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3.The third respondent appears to have filed an appeal before the first respondent claiming right over the aforesaid property. However, without issuing notice to the petitioner, the first respondent has passed the impugned order in and by which, included the name of the third respondent in the joint patta. Challenging the same, the petitioner is before this Court.

4.The third respondent has entered appearance through counsel.

5.It is conceded that in the appeal proceedings notice has not been issued to the petitioner herein, orders have been passed behind his back.

6.Considering the fact that the principle of natural justice have been thrown to the winds, the order passed by the first respondent dated 30.09.2010 in proceedings Ne.Mu.No.8372/2010/N is hereby set aside. Accordingly, this writ petition is allowed. The matter is remitted back to the first respondent for considering the appeal afresh after issuing notice to the petitioner and the third respondent; giving them a personal hearing

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and disposing of the appeal within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

22.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
To
1.The Revenue Divisional Officer,
Madurai.

2.The Thasildar,
Madurai South Taluk,
Madurai.

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P.T.ASHA, J.
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