



W.P.(MD)No.23123 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.23123 of 2021

and

W.M.P.(MD)Nos.19573 of 2021 and 7978 of 2023

P.Balasubramanian

... Petitioner

Vs.

1. The District Revenue Officer,
District Collector Office Complex,
Madurai-20.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Thirumangalam,
Madurai District.
3. The Tahsildar,
Kallikudi Taluk,
Kallikudi,
Madurai District.
- G.Kesavan (Died)
4. Papathi @ Selvarani
5. Maranadu @ Babu



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6. Narmatha

... Respondents

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*(R4 to R6 are substituted vide court order dated
13.07.2023 in WMP(MD)No.13980 of 2023 in
WP(MD)No.23123 of 2021)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records in Na.Ka.No.16867/2021/G5 dated 24.11.2021 on the file of District Revenue Officer Madurai 1st respondent herein and quash the same.

For Petitioner : Mr.J.Gunaseelanmuthiah

For R1 to R3 : M/s.K.Christy Theboral
Additional Government Pleader

For R4 to R6 : Mr.S.Prabhu

ORDER

The Writ Petition is directed against the order dated 24.11.2021 passed by the first respondent.

2. The main contention of the learned counsel appearing for the writ petitioner is that the first respondent, on the representation given by the husband of the fourth respondent and father of the respondents 5 and



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6 Kesavan, has not issued any notice nor conducted any enquiry and passed the impugned order dated 24.11.2021, on the basis of the report given by the third respondent dated 05.02.2021 and that since the impugned order came to be passed in violation of principles of natural justice, the writ petitioner is constrained to file the present writ petition.

3. The learned counsel appearing for the respondents 4 to 6 would submit that the writ petitioner had taken part in the enquiry conducted by the second respondent and also in the enquiry before the first respondent. But the learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that there is no material to suggest that notice was given to the writ petitioner and the writ petitioner was also heard before passing the impugned order.

4. Considering the above, this Court has no hesitation to hold that the impugned order came to be passed in total violation of principles of natural justice and the same is liable to be set aside.

5. In the result, this Writ Petition is allowed and the impugned order dated 24.11.2021 is set aside. The first respondent is directed to



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give notice to the writ petitioner as well as the other interested parties including the respondents 4 to 6 and conduct enquiry and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed. No costs.

26.04.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1. The District Revenue Officer,
District Collector Office Complex,
Madurai-20.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Thirumangalam,
Madurai District.
3. The Tahsildar,
Kallikudi Taluk,
Kallikudi,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csm

Order made in
W.P.(MD)No.23123 of 2021
and
W.M.P.(MD)Nos.19573 of 2021 and 7978 of 2023

Dated : 26.04.2024