



W.P.(MD) No.20861 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20861 of 2018

and

W.M.P(MD)Nos.18638 & 18639 of 2024

1.AR.Mani

2.AR.Raman

3.AR.Pandi

.. Petitioners

Vs.

1.The District Revenue Officer,
Sivagangai District.

2.M.Umayal

3.M.Veerasekar

4.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of 1st respondent in Pa.Mu.Pi4



W.P.(MD) No.20861 of 2018

WEB COPY

-26610 -2012, dated 05/11/2012 quash the same in so far S.No.312/2 measuring 1.88 acres equivalent to 76 Ares situated in Sirukudal patti village, Thiruppathur taluk, Sivagangai district is concerned and consequently, direct the 4th respondent to delete the name of the 3rd respondent in Patta No.2406.

For Petitioner : Mr.S.Srinivasa Raghavan
For R1 & R4 : Mr.B.Saravanan
Additional Government Pleader
For R3 : Mr.K.Saravanan

ORDER

The present writ petition has been filed for a certiorarified mandamus to quash the order passed by the 1st respondent in Pa.Mu.Pi4 -26610 -2012, dated 05/11/2012 in so far as it relates to the property measuring 1.88 acres in S.No.312/2 in Sirukudal patti village, Thiruppathur taluk, Sivagangai district and consequently, direct the 4th respondent to delete the name of the 3rd respondent in Patta No.2406.

2. The contention of the petitioners is that the aforesaid property was their father's ancestral property. The chitta and 'A' register pursuant



W.P.(MD) No.20861 of 2018

to the UDR proceedings stood in the name of their father, namely Arumugam. The said Arumugam died on 30.08.2003 and the petitioners inherited the property. The patta was also transferred in their name and all the revenue records were mutated in their names.

3. While so, the respondents 2 and 3 had filed a petition before the 1st respondent for transfer of certain other properties including the petitioners' property in Survey No.312/2. The respondents would neither implead nor issue notice to the petitioners, had passed the impugned order. The petitioners got to know about the said order only through the Village Administrative Officer, who informed them that by virtue of the impugned order, the name of the 3rd respondent has been included in the patta. Aggrieved by the same, the petitioner is before this Court.

4. Since the impugned order admittedly has been passed without notice to the petitioners despite their names having been mutated in the revenue records and the name of their father having been shown in the 'A' register extract etc., the order impugned has to be necessarily set aside



W.P.(MD) No.20861 of 2018

and accordingly, the same is set aside. The 1st respondent is directed to issue notice to the petitioners and the respondents 2 & 3 and thereafter, consider their objections and pass a speaking order. The said exercise shall be completed within a period of two (2) months from the date of receipt of copy of this order.

5. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

gbg

To

1.The District Revenue Officer,
Sivagangai District.

2The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.



WEB COPY



W.P.(MD) No.20861 of 2018

P.T.ASHA, J.

gbg

W.P.(MD) No.20861 of 2018

19.10.2024