



W.P.(MD) No.25644 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25644 of 2024

Kandasamy

.. Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer,
Dindigul District,
Dindigul.
- 3.The Revenue Divisional officer,
Palani Division,
Dindigul District.
- 4.The Tahsildar,
Gujiliyamparai Taluk,
Dindigul District.
- 5.Senthil Kumar
- 6.Perumal
- 7.Rasu
- 8.Malaiyakkal



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9.Sembayee

10.Devi

11.Nachimuthu

.. 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 pertaining to the impugned order passed by the second respondent in Moo.Mu.No.31111/2020/A6 dated 29.07.2024, quash the same as illegal and consequently direct the respondents 1 to 4 to rectify the error crept in Patta Nos.4858 and 5402 in respect of S.Nos.303/2, 319/2 and 319/4 of Palayam Village, Gujiliyamparai Taluk, Dindigul District.

For Petitioner : Mr.N.Balaji

For R1 to R4 : Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition has been filed for the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court be pleaded to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction particularly in the nature of Writ, calling for the



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records pertaining to the impugned order passed by the 2nd respondent in Moo.Mu.No.31111/2020/A6 dated 29.07.2024, quash the same as illegal and consequently direct the respondents 1 to 4 to rectify the error crept in Patta Nos.4858 and 5402 in respect of S.Nos.303/2, 319/2 and 319/4 of Palayam Village, Gujiliyamparai Taluk, Dindigul District, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.”

2. The petitioner challenges the impugned order on the ground that the order has been passed without even considering the recommendation of the third respondent.

3. Heard the learned counsel on either side.

4. Considering the fact that the impugned order suffers from total non-application of mind and that the appellate authority has not even taken into consideration the recommendation passed by the third respondent, the order impugned is liable to be set aside and is



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WEB COPY accordingly, set aside. The matter is remitted back to the second respondent for fresh consideration. The second respondent shall take into consideration the recommendation of the third respondent and then 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.

5. With the above direction, this Writ Petition is allowed. No costs.

28.10.2024

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

abr



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P.T.ASHA, J.

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