



W.P.(MD)No.27087 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.27087 of 2024

and

W.M.P.(MD)No.22999 of 2024

Ariramar

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

4. Ramasundaram

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order in Pa.Mu.C.Pa.A/68/2024/Aa3 dated 01.08.2024 passed by the 2nd respondent and quash the same.



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For Petitioner : Mr.M.Ramu

For Respondents : Mr.A.Kannan (R1 to R3)

Additional Government Pleader

ORDER

Challenging the impugned order dated 01.08.2024 issued by the second respondent, this writ petition came to be filed.

2. Mr.A.Kannan, learned Additional Government Pleader takes notice for the official respondents. Considering the nature of the limited scope of the relief sought for in this writ petition, notice to the private respondent is dispensed with. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The fourth respondent submitted an application for subdivision of his property in S.No.1410 and S.No.1411, situated at Veppilankulam Part II, Rathapuram Taluk, Tirunelveli District. After subdivision, the fourth respondent possess S.No.1410/2B and the petitioner possess S.No.1410/2A and



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1410/2C. While being so, the fourth respondent filed an appeal before the second respondent to cancel the subdivision and the same was taken on file in Na.Ka.No.Aa3/Pa.No.100/2021. The petitioner duly appeared before the second respondent and made his statements on 08.02.2023, 21.06.2023, 25.08.2023, 10.11.2023 and finally on 30.05.2024. However, the impugned order came to be passed in some other file number in Pa.Mu.C.Pa.A/68/2024/Aa3 dated 01.08.2024 in favour of the fourth respondent, without even considering the petitioner's submission. However, the proceedings in respect of the dispute between the petitioner and the fourth respondents, was dealt with in another number mentioned supra. Hence, challenging the same, this writ petition came to be filed.

5. The learned Additional Government Pleader appearing for the official respondents fairly conceded that there is no mention in the impugned order about the statements made by the petitioner and the respondents and that he did not receive any instruction as to the discrepancy pointed out by the petitioner.

6. In view of the above, this Court hereby set aside the impugned order passed by the second respondent dated 01.08.2024 and remand the matter back to the second respondent to pass appropriate orders afresh on merits and in



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accordance with law, after affording an opportunity of hearing to the petitioner and the fourth respondent and after considering the statements and documents made by the petitioner, within a period of six weeks from the date of receipt of copy of this order.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.11.2024

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

WEB COPY

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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.27087 of 2024

Dated
15.11.2024