



W.A(MD)No.416 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No.416 of 2024

and

C.M.P(MD)No.3567 of 2024

1.S.Krishnamoorthy
2.S.Tamilselvan

... Appellants/3rd parties

Vs.

1.S.Sudalai

...1st Respondent/Petitioner

2.The District Revenue Officer,
Thirumangalam,
Madurai District.

3.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

4.The Tahsildar,
Thirumangalam Taluk,
Madurai District.

5.S.Nagarajan

... Respondents/Respondents

PRAYER : Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 30.03.2023 made in W.P(MD)No.6969 of 2023.

For Appellants :Mr.T.S.R.Venkatramana, Senior Counsel for
M/s.V.Janaki Devi



WEB COPY



W.A(MD)No.416 of 2024

For R-1	:Mr.H.Arumugam
For R-2 to R-4	:Mr.S.P.Maharajan, Special Government Pleader
For R-5	:No Appearance

JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

The appellants have filed this writ appeal challenging the order, dated 30.03.2023 made in W.P(MD)No.6969 of 2023.

2. According to the learned Senior Counsel appearing for the appellants, this intra Court appeal has been filed before this Court by alleging that the first respondent/writ petitioner has obtained the impugned order from the Writ Court without impleading the appellants as parties to the writ petition. Therefore, the order passed by the learned Single Judge is liable to be set aside.

3. The learned counsel appearing for the first respondent/writ petitioner would submit that pursuant to the direction issued by the Writ Court, the fourth respondent – Tahsildar, has passed an order on 04.07.2023, changing the patta in the name of the first respondent/writ petitioner. But, the said order has not been challenged by the appellants.



W.A(MD)No.416 of 2024

4. We have heard the learned counsel appearing on either side and perused the materials placed before us.

5. The contention of the appellants is that the appellants are in possession of the property in question for more than 44 years. However, without impleading the appellants, the first respondent has filed the writ petition and obtained an order. Subsequently, the Tahsildar has also passed an order changing the patta in the name of the first respondent. According to the appellants, the order passed by the Tahsildar, is without jurisdiction and without providing opportunity to the appellants.

6. However, according to the respondents, notice has been served to the appellants' brother, who is also one of the defendants in the civil suit.

7. It is true that the first respondent without impleading the appellants as parties to the writ petition, obtained the order behind the back of the appellants, which is highly deprecated and the same is in violation of principles of natural justice, for not providing an opportunity to the appellants. However, we are of the view that when the order of the learned Single Judge has been complied with by the Tahsildar and now final order has been passed changing the patta in the name of the first respondent, the contentions raised by the appellants cannot be decided in the present writ



W.A(MD)No.416 of 2024

appeal and therefore, we are not inclined to interfere with the order of the learned Single Judge.

8. It is open to the appellants to challenge the order passed by the fourth respondent – Tahsildar, before the appropriate forum. Two weeks time is granted to the appellants, to challenge the proceedings of the Tahsildar, dated 04.07.2023.

9. With the above said liberty, this writ appeal stands dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.]

[R.V., J.]

18.03.2024

Neutral Citation: Yes / No

Index : Yes / No

PM

Note: Issue Order Copy on 20.03.2024

To:

1. The District Revenue Officer,
Thirumangalam,
Madurai District.

2. The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

3. The Tahsildar,
Thirumangalam Taluk,
Madurai District.



WEB COPY



W.A(MD)No.416 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

PM

W.A(MD)No.416 of 2024

18.03.2024