



W.P.(MD)Nos.1290 and 1291 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)Nos.1290 and 1291 of 2025

and

W.M.P(MD)Nos.872 and 876 of 2025

W.P(MD)No.1290 of 2025

K.Arasu

... Petitioner

Vs.

1.The Special Deputy Collector,
Revenue Court,
Madurai.

2.The Tahsildar & Record Officer,
Madurai East Taluk,
Madurai.

3.R.Lakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order in I.A.No.06/2024 in A.P.No.34/2024, dated 31.12.2024 passed by the first respondent and quash the same.

For Petitioner : Mr.I.Saliyakhan

For R1 & R2 : Mr.A.Kannan
Additional Government Pleader



W.P.(MD)Nos.1290 and 1291 of 2025

W.P(MD)No.1291 of 2025

K.Arasu

... Petitioner

Vs.

1.The Special Deputy Collector,
Revenue Court,
Madurai.

2.The Tahsildar & Record Officer,
Madurai East Taluk,
Madurai.

3.R.Ramesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order in I.A.No.07/2024 in A.P.No.35/2024, dated 31.12.2024 passed by the first respondent and quash the same.

For Petitioner : Mr.I.Saliyakhan

For R1 & R2 : Mr.A.Kannan
Additional Government Pleader

COMMON ORDER

W.P(MD)No.1290 of 2025 has been filed challenging the order passed by the first respondent in I.A.No.06/2024 in A.P.No.34/2024, dated 31.12.2024.

2. W.P(MD)No.1291 of 2025 has been filed challenging the order passed by the first respondent in I.A.No.07/2024 in A.P.No.35/2024, dated 31.12.2024.



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3. Considering the common facts and issues involved in the writ petitions, common order is passed.

4. The third respondent filed appeals before the first respondent on 30.12.2024, along with applications in I.A.Nos.6 and 7 of 2024 to stay the operation of the proceedings of the second respondent in Na.Ka.No.2450/2023/Aa3, dated 28.11.2024. The first respondent granted stay till the disposal of the appeal without notice to the petitioner. Aggrieved by the said order, the petitioner filed the above writ petitions for the aforesaid relief.

5. The petitioner's grievance is that even without notice to the petitioners and without affording an opportunity of hearing to the petitioner, the first respondent passed the impugned order granting stay of the order passed by the second respondent, dated 28.11.2024 till the disposal of the appeals.

6. The learned counsel for the petitioner submits that the first respondent granted absolute stay even at the stage of taking the appeals on file.

7. It is seen that the first respondent while considering the interim applications for stay passed an *ex parte* order granting stay till the disposal of



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the appeals even without notice to the petitioner and without affording an opportunity of hearing to the petitioners. In my view, the first respondent ought not to have passed absolute order of stay without notice to the petitioner or without affording an opportunity of hearing to the petitioner. That apart, it is also pertinent to note that absolutely no reasons are assigned for granting stay till the disposal of the appeals. In the absence of any justifiable reasons for passing the impugned order in favour of the respondents without notice or an opportunity of hearing to the petitioner in my view, the impugned orders cannot be sustained and hence the same are set aside. The matter is remitted to the first respondent for fresh consideration. The first respondent shall issue notice to the petitioner and all other interested parties and thereafter pass appropriate orders on merits and in accordance with law. The entire exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petitions stand allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

27.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

- 1.The Special Deputy Collector,
Revenue Court,
Madurai.

- 2.The Tahsildar & Record Officer,
Madurai East Taluk,
Madurai.



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N.MALA, J.

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