



W.A.(MD)No.238 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.238 of 2021
and
C.M.P.(MD)No.709 of 2021**

R.Santhanam

... Appellant

Vs.

- 1.The District Revenue Officer,
DRO Office, Thanjavur,
Thanjavur District.
- 2.The Sub-Collector,
Sub Collector Office,
Kumbakonam and Post,
Thanjavur District.
- 3.The Tahsildar,
Taluk Office,
Kumbakonam,
Thanjavur District.
- 4.The Zonal Deputy Tahsildar,
Taluk Office, Kumbakonam,
Thanjavur District.



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5.The Village Administrative Officer (VAO),
Villager Officer's Office,
Solan Maligai.

6.P.Ramadass

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order dated 13-11-2019 made in W.P(MD).No.23929 of 2019 on the file of this Court.

For Appellant : Mr.T.R.Subramanian

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 to R5.
Mr.V.Janakiramulu for R6.

JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.One Ramadass sought mutation of patta. Since the jurisdictional Tashildar had declined to effect transfer patta, Ramadass moved the District Collector, Thanjavur. It was forwarded to the District Revenue Office, Thanjavur. Since the said appeal was not disposed of, Ramadass filed W.P.(MD)No.23929 of 2019. Santhanam, the contesting party was shown as the sixth respondent. The learned Single Judge vide order dated 13.11.2019 disposed of the writ petition in the following terms:-



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“5. To be noted, the sixth respondent (private respondent) has been arrayed as fifth respondent in the appeal. Though obvious it is made clear that the first respondent shall hear the fifth respondent in the appeal and pass orders on the appeal on its own merits and in accordance with law, after giving reasonable opportunity to the writ petitioner (appellant in the appeal) as well as fifth respondent, who is sixth respondent in instant writ petition. To be noted this is a safety valve and safety mechanism qua the rights of the sixth respondent which has been alluded to supra.

6. In the light of the aforesaid narrative, the first respondent shall dispose of writ petitioner's appeal dated 04.05.2017 as expeditiously as possible and in any event within a period of eight (8) weeks from the date of receipt of a copy of this order. If the appeal has already been disposed of, copy of the order shall be communicated to the writ petitioner, sixth respondent and all others concerned, within seven(7)working days from the date of receipt of a copy of this order. If the appeal is to be disposed of after receipt of a copy of this order, the order disposing of the appeal shall be communicated under due acknowledgement to the writ petitioner, sixth respondent and all others concerned within seven (7) working days from the date of disposal.”

Challenging the same, this writ appeal has been filed.



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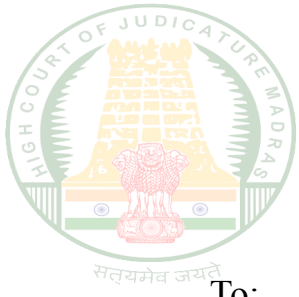
3.It is true that the writ petition appears to have been disposed of at the admission stage itself. In other words, Santhanam was not put on notice before passing the order. But then, the order does not really operate to the prejudice of Santhanam. The learned Single Judge had taken care to protect the rights of Santhanam by directing the District Revenue Officer, Thanjavur to pass final order only after giving due opportunity to Santhanam. If the District Revenue Officer had passed an order without giving such opportunity, then the order of the District Revenue Officer, Thanjavur becomes vulnerable and not the order of the learned Single Judge.

4.In this view of the matter, we do not find any ground to interfere with the order of the learned Single Judge and the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (M.J.R. J.)
07.02.2025

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