



W.P.(MD)No.3298 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.3298 of 2025

M.Mangaleswaran

... Petitioner

Vs.

1.The Revenue Divisional Officer
O/o. Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar
O/o. Ramanathapuram Municipality,
Ramanathapuram District.

3. Sarabu Nisha.F
Rep. by her Power agent,
Ajmal khan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 1st Respondent in Pa.Mu.A6/1667/2024 dated 28.10.2024 and quash the same and subsequently directing the respondents to mutate the patta in favour of the petitioner in Survey No. 453/7.



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For Petitioner : Mr.R.Gireesh Varan
For Respondents : Mr.C.Satheesh,
Government Advocate for R1 & R2
: Mr.GR.Balakumar for R3

ORDER

The writ petitioner challenges the order of the first respondent dated 28.10.2024.

2. I have heard Mr.R.Gireesh Varan, the learned counsel appearing for the petitioner, Mr.C.Satheesh, learned Government Advocate appearing for the respondents and Mr.GR.Balakumar, learned counsel appearing for the third respondent.

3. The learned counsel for the petitioner would submit that the impugned order has been passed, without giving an opportunity to the petitioner in whose name admittedly patta was mutated and the petitioner was not even made a party to the impugned proceedings. The learned counsel would therefore submit that on the limited ground of violation of principle to natural justice, the impugned order would have to be set aside.



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4. Per contra, the learned counsel for the third respondent would submit that the first respondent has passed a considered order and has factored all relevant documents which have been placed before the first respondent and therefore, he would seek for dismissal of the writ petition.

5. On going going through the impugned order, I am unable to countenance the submissions of the learned counsel for the third respondent. Admittedly, the name of the petitioner was mutated in the revenue records and patta was also standing in his name. While so, without affording an opportunity to the petitioner, the first respondent ought not to have conducted an enquiry behind his back and ordered patta to be mutated in the name of the third respondent. It is a clear violation of principles of natural justice and deprivation of fair opportunity to the petitioner, who is certainly an interested party. On this limited ground, I am inclined to set aside the impugned order.



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6. In fine, the impugned order passed by the first respondent is set aside and I remit the matter to the first respondent for fresh consideration of the appeal preferred by the 3rd respondent, after giving opportunity to the petitioner as well as the third respondent and other interested parties, if any, and shall consider the submissions and contentions made by all the parties before him and thereafter shall pass final orders, in accordance with law and on merits, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
LS

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O/o. Ramanathapuram Municipality,
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P.B. BALAJI, J.

LS

Order made in
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