



W.P.(MD) No.4754 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.4754 of 2025

and

W.M.P.(MD).Nos.3429 & 3431 of 2025

1. The India Cements Limited,
Rep. by its Authorized Signatory,
93, Coromandel Towers,
Santhome High Road,
Karpagam Avenue,
R.A.Puram, Chennai-600 0028.

2. The India Cements Educational Trust,
Rep. by its Trustee,
93, Coromandel Towers,
Santhome High Road, Karpagam Avenue,
RA Puram, Chennai-600 028.

... Petitioners

Vs

1. The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

2. The Revenue Divisional Officer,
Tirunelveli Taluk,
Tirunelveli District.



W.P.(MD) No.4754 of 2025

WEB COPY

3. The Tahsildar,
Tirunelveli Taluk,
Tirunelveli District.

4. Nallakannu

5. Esakkimuthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records in Revision Petition No.4 of 2024 in Ne.Mu.Ka2/7557/2024 dated 10.12.2024 on the file of the first respondent and quash the same as arbitrary and illegal.

For Petitioner	: Mr.K.Prabhakar
For Respondent Nos.1 to 3	: Mr.G.Suriyanath Government Advocate

ORDER

This writ petition challenges the Revision Petition No.4 of 2024 in Ne.Mu.Ka2/7557/2024 dated 10.12.2024 on the file of the first respondent and quash the same as illegal.



W.P.(MD) No.4754 of 2025

WEB COPY

2. Though the petitioner and the private respondents seeking this Court to go into the merits of the case, I am not inclined to do so for the following reasons :

i) the first petitioner is a Company and the second petitioner is a Trust.

ii) The second petitioner was not even issued with a summon prior to passing of the order by the first respondent. The first respondent has filed a counter stating there is no necessity to issue notice, as the second petitioner has no title over the property and it is illegally occupying the property, concerned with this writ petition.

Whether, the second petitioner has right or its claim is devoid of any merits, should be decided only after putting the second petitioner on notice. The fact that the first respondent states that as the second petitioner has no case, she did not issue notice to the the second petitioner shows that she had put a cart before the horse. No order can be passed against a person, in violation of, principles of natural justice.



W.P.(MD) No.4754 of 2025

WEB COPY

3. The learned Counsel appearing for the respondents Nos.4 and 5 states that his clients are not responsible for fact notice had not been sent to the second petitioner.

4. I have to agree with him. It is not a job of the private respondents to ensure whether notice is served on the contesting party or not. However, the point remains where an adverse order has been passed against a party, without even putting the party on notice, let alone comply with the principles of natural justice, I cannot sanction the order.

5. Normally, I should have set aside the order and remanded it to the same authority to consider the revision again. However, as the first respondent has filed a counter, on the merits of the claim made by the petitioner, if I sent it back to the first respondent, there is a distinct possibility of confirmation bias. That will render the entire exercise otiose.



W.P.(MD) No.4754 of 2025

WEB COPY

6. Hence, I called upon Mr.Kannan, learned Additional Government Pleader to get instructions as to whether there is any other authority in Tirunelveli District, who is competent to hear the revision. Mr.Kannan, states that there is an other officer in the rank of District Revenue Officer namely Mr.Iyyappan, Special District Revenue Officer (Highways), Tirunelveli District.

7. In the light of the above discussion, the impugned order is set aside and the matter is restored on the file of the first respondent. The first respondent shall ensure that the files are sent to the Special District Revenue Officer, (Highways), Tirunelveli District. The Special District Revenue Officer (Highways), Tirunelveli, shall issue notice to the petitioner and the private respondents and hear the matter afresh, without being influenced by the order impugned, in the present writ petition.

8. The fear of Mr.Kannan that this order might be looked adversely on the conduct of the first respondent is misplaced. The purpose of sending the papers from the office of the District Revenue Officer to the Office of the Special District Revenue Officer (Highways), Tirunelveli is



W.P.(MD) No.4754 of 2025

WEB COPY

only to level the playing field between the parties and to avoid any allegations of bias that may be made against the first respondent at future date. Since I am not going into the merits of the case, all the issues are left open, the parties can agitate all the issues on facts and law before the Special District Revenue Officer, (Highways), Tirunelveli District.

9. With the above said observations, this writ petition is allowed.
No costs. Consequently, connected miscellaneous petitions are closed.

17.04.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
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W.P.(MD) No.4754 of 2025

To

1. The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Tirunelveli Taluk,
Tirunelveli District.
3. The Tahsildar,
Tirunelveli Taluk,
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W.P.(MD) No.4754 of 2025

V. LAKSHMINARAYANAN, J.

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W.P.(MD)No.4754 of 2025

Dated : 17.04.2025