



W.P.(MD)No.4585 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.4585 of 2023

and

W.M.P(MD)Nos.4288 & 4289 of 2023

Jayalakshmi

... Petitioner

Vs.

1.The District Revenue Officer,
Pudukkottai District,
District Collectorate,
Pudhukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Pudhukkottai District.

3.Adaikapan

... 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 made by the 1st respondent in Na.Ka.No.5045/14/D3, dated 27.07.2016 in so far as it relates the petitioner's land in Survey No.606/2 Thekkattur Revenue Village, Thirumayam Taluk, Pudukottai District and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff



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For R1 & R2 : Mr.S.Kameswaran

For R3 : Mr.K.C.Maniyarasu

ORDER

The petitioner challenges the order of the 1st respondent in Na.Ka.No. 5045/14/D3, dated 27.07.2016.

2. Heard the learned counsel on either side.

3. The grievance of the petitioner is that the said order is antedated and the records which are enclosed along with the typedset of papers would clearly establish the said factum. The learned counsel for the petitioner would take me through the said impugned order as well as the order of this Court in W.P(MD)No.6356 of 2015, dated 19.03.2019. It is seen from the said writ petition filed by the 3rd respondent herein that the 3rd respondent moved this Court seeking expeditious disposal of his appeal. While so, this impugned order came to be passed. The writ petition came to be disposed of only on 19.03.2019. However, the impugned order now referred to by the 1st respondent is dated 27.07.2016. It is the specific case of the petitioner that the petitioner was not called for any enquiry or given a fair opportunity to putforth the petitioner's case



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before the alleged order came to be passed on 27.07.2016. The fact that even the

3rd respondent was not given opportunity can be evident from the fact that he himself had moved this Court seeking disposal of his appeal in W.P(MD)No. 6356 of 2015. The said writ petition was pending on the file of this Court until March 2019 and at no point of time, did the official respondents bring it to the notice of this Court that the proceedings have already been concluded even as early as on 27.07.2016.

4. Therefore, I find force in submission of the learned counsel for the petitioner that the said order which is now impugned in this writ petition has been antedated. In any event, there is no consideration of the objections of the petitioner and it is seen from the order that none of the contentions of the rival parties have been discussed also.

5. In view of the above, I am constrained to interfere and set aside the impugned order. Accordingly, the impugned order passed by the 1st respondent is set aside and the matter is remitted to the 1st respondent for fresh consideration of the pending appeal filed by the 3rd respondent herein on merits and in accordance with law, after hearing the petitioner as well as the 3rd



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respondent and without being influenced by any of the observations made

herein above. The said exercise shall be completed within a period of twelve

(12) weeks from the date of receipt of copy of this order.

6. In view of the above, this Writ Petition stands allowed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

01.04.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

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To:

1.The District Revenue Officer,
Pudukkottai District,
District Collectorate,
Pudhukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Pudhukkottai District.



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P.B.BALAJI, J.

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