



W.P.(MD) No.6727

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

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CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.6727 of 2025

and

W.M.P(MD)No.4978 of 2025

Kathirvadivel

... Petitioner

vs.

1.The District Revenue Officer,
Madurai District.

2.The Revenue Divisional Officer,
Madurai Revenue Division,
Madurai.

3.The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent in Pa.Mu.No.6413/2023/H dated 25.11.2024 and quash the same as illegal and arbitrary and in consequently direct the third respondent to issue patta for the land in favour of the petitioner.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.B.Saravanan
Additional Government Pleader



W.P.(MD) No.6727

ORDER

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The petitioner challenges the order of the second respondent/Revenue Divisional Officer, Madurai, in Pa.Mu.No.6413/2023/H dated 25.11.2024.

2.Considering the grounds of challenge to the said order of the second respondent, with the consent of the learned counsel on either side, the writ petition is taken up for final disposal at the stage of admission itself.

3.The grievance of the petitioner is that the petitioner was not provided an opportunity to put forth his contentions and also relevant records, which clearly established that there was no 'Poosthithi pathai' existing in the subject lands. Eventhough the entire exercise was undertaken at the behest of the petitioner only, I find from the impugned order that the petitioner was not given any opportunity and the order has been passed after receiving information from the Tahsildar.

4.Eventhough, as rightly contended by the learned Additional Government Pleader, there is an appeal remedy available to the District Revenue Officer, Madurai. In view of the fact that when the matter was remitted to the Revenue Divisional Officer by the District Revenue Officer himself and thereafter, the



W.P.(MD) No.6727

Revenue Divisional Officer has passed the impugned order, however, without giving an opportunity to the petitioner to put forth his case, I am constrained to interfere eventhough there is an alternative remedy available under the statute. There has been a clear violation of principles of natural justice, depriving the petitioner of a fair opportunity to canvas his claims before the second respondent.

5.In view of the above, this Writ Petition is allowed and the impugned order dated 25.11.2024 in Pa.Mu.No.6413/2023/H, is set aside. The matter is remitted to the second respondent for fresh consideration, after affording a fair opportunity to the petitioner to provide relevant and sufficient satisfactory documents in support of his claims and after conducting due enquiry, the second respondent shall pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2025

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No



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W.P.(MD) No.6727

P.B.BALAJI, J.

sjj

To

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- 3.The Tahsildar,
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