

W.P.(MD)No.7953 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.7953 of 2024

and

W.M.P.(MD)Nos.7220, 7222 & 7224 of 2024

Velliyammal

: Petitioner

Vs.

1.The District Collector,
Ramanathapuram.

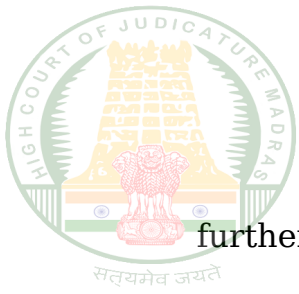
2.The Revenue Divisional Officer,
Thiruvadanai,
Ramanathapuram District.

3.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

4.L.Balusamy

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the impugned order passed by the second respondent under Pa.Mu. 8910/2023 (A5) dated 19.02.2024 and quash the same as illegal and



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further to direct the second and third respondents to sustain the original order passed by the second respondent in Pa.Mu.8910/2023 (A5) dated 06.02.2024.

For Petitioner : Mr.K.R.Laxman
For Respondents 1 to 3 : Mr.B.Saravanan
Additional Government Pleader
For Respondent No.4 : Mr.R.J.Karthick

ORDER

The Writ Petitioner challenges the impugned order passed by the second respondent in Pa.Mu.8910/2023 (A5) dated 19.02.2024 and to consequently sustain the original order passed by the very same second respondent in Pa.Mu.8910/2023 (A5) dated 06.02.2024.

2.Heard the learned Counsel for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.R.J.Karthick, learned Counsel appearing for the fourth respondent.

3.The primordial contention of the writ petitioner is that when the second respondent had already passed an order on 06.02.2025, the second respondent could not have taken up the matter once again and pass a subsequent order dated 19.02.2024,



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within a span of 12 days. He would further submit that the fourth respondent was put on notice, which is reflected even in the impugned proceedings and therefore, if at all the fourth respondent is aggrieved, he can always prefer an appeal before the first respondent.

4.Learned Additional Government Pleader would submit that in the records of the respondents, there is no document to show that notices were actually served on the fourth respondent before the first order dated 06.02.2025, came to be passed. Equally, there is also no record to show that before the second order came to be passed on 19.02.2024, the writ petitioner was served with any notice.

5.In view of the peculiar facts and circumstances, I deem it fit to set aside the orders dated 06.02.2024 and 19.02.2024 and direct the second respondent to rehear the matter conducting fresh enquiry, after affording opportunity by way of personal hearing to both the petitioner and the fourth respondent and pass final orders, taking into account all relevant documents relied upon by both the parties. The said exercise shall be completed within a period of eight [8] weeks from the date of receipt of a copy of this order.



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6.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

07.03.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

1.The District Collector,
Ramanathapuram.

2.The Revenue Divisional Officer,
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Ramanathapuram District.

3.The Tahsildar,
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P.B.BALAJI., J.

MR

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