



W.P.(MD)No.6399 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.6399 of 2023
and
W.M.P.(MD)Nos.6052 & 6053 of 2023

Padamsingh

... Petitioner

/Vs./

1. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

2. Rajendran

... 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 order passed by the 1st respondent in Pa.Mu.A3/8583/2021 dated 28.02.2023 quash the same and consequently direct the 1st respondent to conduct proper enquiry.

For Petitioner : Mr.G.Hariharan

For Respondents : Mr.C.Satheesh
Government Advocate for R1



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ORDER

The petitioner challenges the impugned order of the first respondent dated 28.02.2023.

2. Despite the second respondent having been served, the second respondent has not chosen to enter appearance either in person or through a counsel.

3. I have heard Mr.G.Hariharan, learned counsel for the petitioner and Mr.C.Satheesh, learned Government Advocate, appearing for the first respondent. I have also gone through the records, including the impugned order.

4. The learned counsel for the petitioner would invite my attention to the findings of the first respondent that the second respondent, who approached the first respondent, seeking for cancellation of patta did not produce any documents. However, despite entering such a finding, the first respondent has proceeded to cancel the patta in favour of the



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petitioner and restore the status, which was prevailing at the time of the UDR Scheme, in the name of one G.Rajendran in patta No.758.

5. Though the learned counsel for the first respondent would submit that the impugned order passed by the Revenue Divisional Officer was appealable to the District Revenue Officer, I do not find driving the petitioner to prefer an appeal as available under statute for the simple reason that the second respondent, who sought for cancellation of the petitioner's patta was admittedly unable to produce any documents in support of his contentions. While so, the first respondent ought to have rejected the claim of the second respondent instead of accepting the case of the second respondent and proceeding to cancel the patta, which admittedly stood in the name of the petitioner for over 12 years. The said exercise by the first respondent is clearly against the principles of equity and fair play and also without any application of mind. Considering the fact that the first respondent himself has found that the second respondent has not been able to satisfy his very contention on the basis on which he approached the first respondent.



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6. In view of the above, I deem it fit to set aside the impugned order passed by the first respondent. Accordingly, the impugned order passed by the first respondent dated 28.02.2023 is hereby set aside and the matter is remitted to the first respondent for fresh consideration of the second respondent's application, after giving a fair opportunity to the petitioner as well as the second respondent, to produce all relevant documents. There upon, the first respondent shall pass a considered order on merits and in accordance with law within a period of eight (8) weeks thereafter.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

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TO:-

The Revenue Divisional Officer,
Sivagangai,
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P.B. BALAJI, J.

LS

Order made in
W.P.(MD)No.6399 of 2023

Dated:
27.02.2025