

W.P.(MD)No.8595 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

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

W.P.(MD)No.8595 of 2023

and

W.M.P.(MD)No.7902 & 22198 of 2023

Solomonraja

: Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.

3.The Revenue Divisional Officer,
Kovilpatti Taluk,
Thoothukudi District.

4.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

5.Saveriyaaei

: Respondents



W.P.(MD)No.8595 of 2023

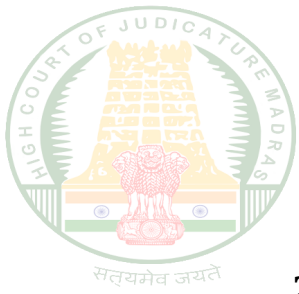
WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fourth respondent in Na.Ka.Aa6/2626/16 dated 21.06.2017 and the consequential impugned order passed by the third respondent in Mu.A2/838/2019 dated 11.11.2020 and the consequential impugned order passed by the second respondent in Na.Ka.No.D6/28927/2020 dated 11.01.2022 and quash the same as illegal and consequently direct the respondents to include the name of the petitioner in the Patta No.1018, Survey No.135/1B2A to an extent of 1 Acre 34 cents situated at Vembar Village, Vilathikulam Taluk, Thoothukudi District.

For Petitioner : Mr.A.Rajaram
For Respondents 1 to 4 : Mr.M.Lingadurai
Special Government Pleader
For Respondent No.5 : Refused

ORDER

The petitioner challenges the order of the fourth respondent in Na.Ka.Aa6/2626/16 dated 21.06.2017 and the consequential order of the second respondent in Na.Ka.No.D6/28927/2020 dated 11.01.2022.



W.P.(MD)No.8595 of 2023

WEB COPY

2.I have heard the learned Counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 4.

3.Admittedly, the authorities have rejected the petitioner's application citing that the petitioner has not been able to produce any relevant documentary evidence. Therefore, I do not find any illegality or perversity in the decision of the Revenue authorities in rejecting the petitioner's request. However, learned Counsel for the petitioner would submit that pursuant to the decision, the petitioner has made appropriate application under the Right to Information Act and has obtained materials documentary evidence to substantiate his claim. Therefore, he seeks the matter to be remitted, so that the petitioner would get an opportunity to putforth the documents, on which the petitioner claims right. The fifth respondent, despite service of notice has not chosen to appear.

4.Considering the fact that the petitioner is now in possession of the relevant material documentary evidence, I am of the opinion that an opportunity can be given to the petitioner to make out a case. Hence, the impugned orders are set aside and the matter is remitted to the fourth respondent for fresh consideration of the petitioner's application, after affording an opportunity to the



W.P.(MD)No.8595 of 2023

petitioner as well as fifth respondent. The fourth respondent shall conduct an enquiry and consider the respective contentions and objections of the petitioner and fifth respondent, respectively, before passing orders on merits and in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

04.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
MR



WEB COPY



W.P.(MD)No.8595 of 2023

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.
- 3.The Revenue Divisional Officer,
Kovilpatti Taluk,
Thoothukudi District.
- 4.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.



WEB COPY



W.P.(MD)No.8595 of 2023

P.B.BALAJI., J.

MR

W.P.(MD)No.8595 of 2023

04.04.2025