



W.P.(MD)No.9564 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.9564 of 2025

and

W.M.P(MD)Nos.7155 & 7157 of 2025

1.S.Samiyapillai

2.P.Sathish

... Petitioners

Vs.

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

2.The Tahsildar (Natham land),
Kalayarkovil Taluk,
Sivagangai District.

3.P.Ramanathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the 1st respondent in Pa.Mu.Aa6/3946/2024, dated 11.03.2025 and quash the same as illegal and consequently direct the 1st respondent to initiate the enquiry afresh after giving adequate opportunity to the parties concerned in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.P.Mahendran

For R1 & R2 : Mr.M.Lingadurai
Special Government Pleader

ORDER

The petitioner challenges the order of the 1st respondent, dated 11.03.2025.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the official respondents.

3. The main ground of challenge to the impugned order is that though the petitioner appeared before the 1st respondent on 06.11.2024 and again on 20.11.2024, the petitioner only sought for further time to make submissions. However, the 1st respondent has proceeded to consider the said dates 06.11.2024 and 20.11.2024 as enquiry dates, on which proceedings were conducted and proceeded to pass the order on 11.03.2025, which is impugned in the present writ petition.



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4. From the impugned order, I do not find that the 1st respondent has given a fair opportunity to the petitioner as well as the 3rd respondent. However, the 1st respondent has proceeded to pass the order based on the documents available and also written submissions by way of claim and reply objections made by petitioner and the 3rd respondent. In view of the categorical assertion of the petitioner that no enquiry was conducted on both the dates, namely 06.11.2024 and 20.11.2024 and there is also no indication in the impugned order to effect that the petitioner and the 3rd respondent were heard or they had given evidence, I am inclined to quash the order impugned in the writ petition. Accordingly, the order impugned in the writ petition, dated 11.03.2025 is set aside and the matter is remitted to the 1st respondent for conducting fresh enquiry, after affording fair opportunity to the petitioner as well as 3rd respondent to putforth all their respective claims and contentions before the 1st respondent. He shall thereafter pass final orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of copy of this order. It is made clear that though the 1st respondent has attempted to conduct enquiry on 06.11.2024 and 20.11.2024, the petitioner has only sought for time. It is therefore made clear that the petitioner shall co-operate with the 1st respondent for concluding the enquiry expeditiously.



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Consequently, connected Miscellaneous Petitions are closed.

04.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no

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To:

- 1.The Revenue Divisional Officer,
Sivagangai Taluk,
Sivagangai District.
- 2.The Tahsildar (Natham land),
Kalayarkovil Taluk,
Sivagangai District.



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P.B.BALAJI, J.

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