



W.P.(MD)No.10238 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.10238 of 2024

K.Gunasekaran

.... Petitioner

/Vs./

1. The Additional Chief Secretary
Commissioner of Revenue Administration,
Chepauk, Chennai - 5.
2. The District Collector
Madurai, Madurai District.
3. The Tahsildhar
Madurai South Taluk,
Now Madurai West Taluk,
Madurai District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No. Pani 2(3)/W/7/2023 dated 28.03.2024 and quash the same as illegal arbitrary and in violation of principles of natural justice and consequently directing the 1st respondent to conduct an enquiry



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affording an opportunity of hearing to the petitioner and other interested parties and pass orders in compliance of the order passed by this Honble Court in WP(MD).No.24589 of 2023 dated 19.12.2023.

For Petitioner : Mr.S.Mohamed Kadhar

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner challenges the order of the first respondent in Na.Ka.No.Pani 2(3)/W/7/2023, dated 28.03.2024.

2. The challenge is made mainly on the ground that the petitioner was not heard before the impugned order came to be passed. The petitioner has made a complaint against the District Revenue Officer, who passed adverse orders against the writ petitioner. The first respondent has directed the second respondent to conduct an enquiry and based on the report of the second respondent, the first respondent has proceeded to pass the impugned order rejecting the petitioner's application. When the petitioner was the complainant, the first respondent as well as the second respondent ought to have enquired into the petitioner before proceeding to pass orders on the petitioner's



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complaint. Unfortunately, the proceedings have been taken behind the back of the petitioner and therefore, the petitioner has been denied fair opportunity of hearing by the respondents.

3. For this limited reason, I am inclined to set aside the order of the first respondent and the matter is remitted to the second respondent to conduct an enquiry after affording an opportunity of personal hearing to the petitioner as well as the accused District Revenue Officer, against whom allegations have been made by the writ petitioner and thereafter, the second respondent shall pass final orders on the petitioner's application, within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above observations, the writ petition is allowed. No costs.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.10238 of 2024

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27.03.2025