



W.P.(MD) No.4023 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.4023 of 2019

K.Vijayakumar ... Petitioner

Vs

- 1 The District Collector,
Ramanathapuum District,
Ramanathapuram.
- 2 The Sub Collector,
Paramakudi,
Ramanathapuram District.
- 3 The Tahsildar,
Paramakudi,
Ramanathapuram District.
- 4 Murugesan
- 5 Velu

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the entire proceedings of the 3rd respondent in Na.Ka.No.A3/9300/2018, dated



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WEB COPY 05/02/2019, and quash the same and consequently direct the respondent not to interfere into the petitioner's peaceful possession and enjoyment of the petitioner's property situated in Survey No.355/16 at Maruchukatti Village, Melaparthibanoor Group, Parthibanoor Sub-Division, Paramakudi Taluk, Ramanathapuram District.

For Petitioner : Ms.Moushika,
for Mr.R.Anand.

For Respondents 1 to 3 : Mr.G.Suryananth,
Govt. Advocate.

For Respondent 4 : Mr.B.Prahlad Ravi

ORDER

The petitioner seeks for the following relief :

"Writ of certiorarified mandamus, to call for the entire proceedings of the 3rd respondent in Na.Ka.No.A3/9300/2018, dated 05/02/2019, and quash the same and consequently direct the respondent not to interfere with the petitioner's peaceful possession and enjoyment of the petitioner's property situated in Survey No.355/16 at Maruchukatti Village, Melaparthibanoor Group, Parthibanoor Sub-Division, Paramakudi Taluk, Ramanathapuram District."



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2. The petitioner states that his father Katturaja was allotted a free house site in proceedings No.H.S.T.A.No112-123/1421, dated 30.04.2012. Katturaja took possession of the property and put up a construction. Two gentlemen, by name, Murugesan and Velu, who were also beneficiaries of free house pattas in Survey No.355/10 and 355/21, created pinpricks for the petitioner's father and the petitioner.

3. The said Murugesan filed W.P.(MD) No.14670 of 2018 and obtained an order on 09.08.2018 to consider his representation. On the basis of the said order, the third respondent had directed removal of the petitioner's house under the impugned proceedings. Challenging the same, the present Writ Petition.

4. I have heard Ms.Moushika for the petitioner; Mr.Suryananth for the official respondents; and Mr.Prahalad Ravi for the fourth respondent.

5. The point raised by Ms.Moushika is a very short one. According to her, Katturaja passed away in the year 2013 and the respondent, prior to passing the impugned order, did not even put his legal representatives on notice. Hence, she pleads the the impugned order is in violation of principles of natural justice.

6. On the above submission, Mr.Suryananth sought for time to report whether the legal heirs of Katturaja were put on notice prior to the



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passing of the impugned order. Hence, I adjourned the matter from 07.04.2025 to today.

7. When the matter is taken up for hearing today, Mr.Suryananth informs that prior to passing the impugned order, the third respondent Tahsildar did not issue notice to the petitioner or the other legal heirs of Katturaja.

8. When an order is passed adverse to a person, it is essential that the said person be heard. As the third respondent has not heard the petitioner or the other legal representatives of Katturaja, on that short ground, the impugned order is set aside. The proceedings stand restored to the file of the third respondent. The third respondent shall ensure that notice is served on the petitioner and other legal representatives and also the respondents 4 and 5. After hearing the arguments of both sides and perusal of the records, he shall pass fresh orders.

9. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.(MD) No.3121 of 2019 is closed.

16.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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V.LAKSHMINARAYANAN, J.

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