



W.P.(MD) No.15611 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.15611 of 2023

and

W.M.P(MD)No.13112 of 2023

Kannan

... Petitioner

vs.

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai Revenue District,
Madurai-20.

3.The Revenue Divisional Officer
cum Sub Divisional Magistrate,
Thirumangalam Division,
Madurai District.

4.The Thasildar,
Thirumangalam Taluk,
Madurai District.

5.Sattheeswari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in Ni.Mu.No. 3022/2022/A3, dated 08.06.2023 on the file of the third respondent/Revenue



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Divisional Officer cum Sub Divisional Magistrate, Thirumangalam Division, Madurai District and quash the same and consequently direct the respondents to issue a patta in favour of the writ petitioner.

For Petitioner : Mr.G.Dhanaseeli

For Respondents : Mr.C.Satheesh
Government Advocate for R1 to R4

No Appearance for R5

ORDER

The petitioner challenges the order of the third respondent/Revenue Divisional Officer, Thirumangalam, in Ni.Mu.No.3022/2022/A3, dated 08.06.2023.

2.Heard the learned counsel on either side.

3.The case of the petitioner is that the property comprised in S.Nos.413/4, 413/7 and 413/6, Karadikal Village, Madurai District, measures to an extent of 9 acres and 20 cents. The said property has been plotted out and sold to several persons. The fifth respondent has purchased the plot measuring 4800 sq.ft. She subsequently applied for transfer of patta. The third respondent has issued an



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enquiry notice to the petitioner and in obedience to the same, the petitioner also appeared on 09.03.2023. It is the specific contention of the petitioner in the affidavit in support of the writ petition that on 09.03.2023, though the petitioner appeared, there was no sitting and the petitioner was informed that a subsequent date would be given. However, without any subsequent intimation, the impugned order has been passed by the third respondent, without an opportunity being granted to the petitioner to furnish the relevant documents in support of his contentions.

4.I find from the counter affidavit that there is not even a denial of the said allegation made by the writ petitioner regarding denying a fair opportunity to the petitioner. The impugned order also does not disclose the fact that the petitioner was given an opportunity and it proceeds merely on the basis of the contentions of the fifth respondent. In view of the above, the impugned order is clearly violative of principles of natural justice and it is liable to be set aside.

5.In fine, this Writ Petition is allowed and the impugned order in Ni.Mu.No.3022/2022/A3, dated 08.06.2023, is set aside. The matter is remitted to the third respondent for fresh consideration, on merits and in accordance with law, after affording an opportunity to the petitioner as well as the fifth respondent.



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The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

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P.B.BALAJI, J.

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