



W.P.(MD)No.20230 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.20230 of 2021

and

W.M.P(MD)Nos.16898 & 16902 of 2021

Manikandan

... Petitioner

/Vs./

1.The District Revenue Officer,
Madurai District,
District Collector Office,
Madurai.

2.The Revenue Divisional Officer,
Madurai District,
District Collector Office,
Madurai.

3.The Tahsildar,
Vadipatti Taluk,
Madurai District.

4.Lalitha

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorari, calling for the records pertaining to the



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impugned order in Nu.Mu.No.34561/2018/G5, dated 18.10.2021 passed by the first respondent and quash the same as illegal.

For Petitioner : Mr.B.Vinothkumar
For R1 to R3 : Mr.S.Kameswaran
Government Advocate
For R4 : Mr.S.Selva Aditya
for Mr.G.Prabhu Rajadurai

ORDER

The petitioner challenges the impugned order passed by the first respondent in Nu.Mu.No.34561/2018/G5 dated 18.10.2021.

2. I have heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the official respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

3. The learned counsel for the petitioner would primarily contend that the impugned order has been passed without any notice to the petitioner and thereby, denying fair opportunity to the petitioner to advance his contentions before the first respondent.



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4. The learned counsel for the petitioner would invite my attention to the counter affidavit filed by the first respondent in this writ petition and would contend that it is the case of the official respondents that deposite notice to the petitioner, the petitioner has not availed an opportunity given to the petitioner and dit not participate in the enquiry proceedings. The learned counsel for the petitioner would therefore submit that in the absence of any proof to substantiate that notice was in fact sent to the petitioner and even from the additional documents filed by the first respondent by way of typed set of papers, it does not establish whether a notice was sent to the petitioner herein and he would contend that the case of the petitioner has to be accepted and the impugned order has to be set aside on the ground of violation of principles of natural justice.

5. The learned counsel appearing for the fourth respondent would submit that the petitioner had an opportunity to participate in the enquiry proceedings and in fact, he also appeared and filed several documents in support of his contentions. Therefore, it is incorrect to contend that the petitioner was deprived of fair opportunity.



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6. Mr.S.Kameswaran, learned Government Advocate appearing for the official respondents would submit that the petitioner participated in the proceedings and in the hearing date on 16.02.2021, the petitioner also submitted documents and orders were reserved only after giving fair opportunity to the petitioner, though the Government is unable to show any proof to have issued notice to the petitioner herein. Even the additional typed of papers pertains to the other legal heirs and other interested persons but not to the petitioner. On going through the impugned order, I do not find that there is any mention of the petitioner not appearing for an enquiry despite notice issued to him. No doubt, a contrary and incorrect stand has been taken in the counter affidavit. However, that will not dilute the letter and spirit of the impugned order which clearly refers to notices issued to the writ petitioner and also the documents filed in support of the petitioner's claim. All these documents have been discussed and ultimately the first respondent has found that the petitioner can only approach the competent Civil Court for redressing his grievance.



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7. I have gone through the impugned order and find that the first respondent has discussed the documents that have been relied on by either party and found that the error had occurred during the UDR survey in respect of survey number 7/1 and suitable directions were issued to the Tashildar, Vadipatti and also giving liberty to the aggrieved party to approach the competent Civil Court. In the light of the first respondent considering the material documents relied on by the petitioner as well as the contesting respondents and having passed a considered order after giving an opportunity to the petitioner, I do not find any grounds to interfere with the writ jurisdiction under Article 226 of the Constitution India. Of course, as rightly found by the first respondent, the petitioner can always work out his remedy before the competent Civil Court. I do not find any justifiable grounds to interfere with the impugned order. The writ petition is dismissed with liberty to the petitioner to move the competent civil Court, if he is aggrieved by the impugned order.



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8. In view of the above, the writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.20230 of 2021

Dated:
04.03.2025