

W.P.(MD)No.20604 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.20604 of 2024
and
W.M.P(MD)No.17492 of 2024

N.P.Srinivasan

... Petitioner

Vs.

1.The District Revenue Officer,
O/o the District Revenue Officer,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

3.The Tahsildar,
Vembakkottai Taluk,
Virudhunagar District.

4.Marisamy

5.Balamurugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the impugned order passed by the 2nd respondent in Mu.Mu.A3/2755/2023, dated 24.11.2023 and quash the same as illegal.



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For Petitioner : Mr.S.Vashik Ali
for Mr.P.Samuel Gunasingh

For R1 - R3 : Mr.S.Kameswaran
Government Advocate

For R4 & R5 : Mr.Karthick
for Mr.S.Suriya

ORDER

The petitioner challenges the order of the 2nd respondent in Mu.Mu.A3/2755/2023, dated 24.11.2023.

2. Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1 to 3 and the learned counsel for the respondents 4 and 5.

3. The contention of the petitioner is that the impugned order came to be passed not only cancelling the patta standing in the name of the petitioner and prior to that, his vendor, but also without affording a fair opportunity of hearing to the petitioner. I had called for the original files to be perused considering the allegations made by the petitioner.



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4. The learned Government Advocate has produced the relevant records.

It is seen that the enquiry notice sent to the writ petitioner was returned as unclaimed. Further, I find that the address to which it has been sent is not the address where the petitioner is residing.

5. Be that as it may, the learned counsel appearing for the respondents 4 and 5 would rely on the additional typedset of papers filed on behalf of the respondents 4 and 5 to fortify his contention that, the petitioner had knowledge of the enquiry proceedings and he has purposely evaded appearing before the 2nd respondent. He would therefore contend that, having not appeared before the 2nd respondent, the petitioner cannot take advantage of his own wrong and then complain that no opportunity was given to the petitioner.

6. I find that the petitioner and the respondents 4 and 5 had exchange of legal notices preceding the enquiry, dated 26.10.2023 and *pima facie*, on a perusal of the notices exchanged between the parties, it appears that, the petitioner did have knowledge about the proposed enquiry on 26.10.2023, which has been set out in the reply notice dated 17.10.2023 sent by respondents 4 and 5 to the petitioner's Advocate. However, admittedly, the petitioner has not

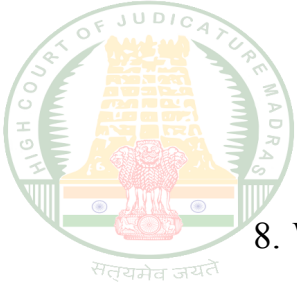


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appeared on the date of enquiry and the contention of the learned counsel for

the respondents 4 and 5 that the petitioner was also heard and he participated in the enquiry cannot be countenanced. There is no material produced on the side of the official respondents to confirm the participation of the petitioner in the enquiry proceedings. Even otherwise, the impugned order also does not disclose that the petitioner appeared and participated in the enquiry proceedings. Further, the impugned order does not even discuss the contentions of the writ petitioner, and after setting out the claim of the respondents 4 and 5 and the report of the revenue authorities, the 2nd respondent has proceeded to pass an order. The 2nd respondent has also touched upon issues pertaining to title to the subject property, which is clearly not within his domain.

7. Therefore, for the above reasons, the order impugned in the writ petition is set aside and the matter is remitted to the 2nd respondent to conduct an enquiry and pass final orders, after hearing the petitioner as well as respondents 4 and 5, on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of copy of this order.



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8. With the above directions, this Writ Petition stands allowed. No costs.

WEB COPY Consequently, connected Miscellaneous Petition is closed.

25.03.2025

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

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To:

- 1.The District Revenue Officer,
O/o the District Revenue Officer,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
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Virudhunagar District.
- 3.The Tahsildar,
Vembakkottai Taluk,
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P.B.BALAJI, J.

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