

W.P.(MD) No.5381 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.5381 of 2017

and

W.M.P(MD)Nos.4270 and 4271 of 2017

Veeramuthu (Died)

1.Sivapackiam

2.Nallammal

3.Arunagiri

... Petitioners

[P1 to P3 are suo-motu substituted vide order dated 24.07.2023]

vs.

1.The District Revenue Officer,
Pudukkottai & District.

2.R.Sivasami Servai

3.M.Chinnamuthu

4.Muthukannan

5.Nallathambi

6.Thangarasu

7.Panchavarnam

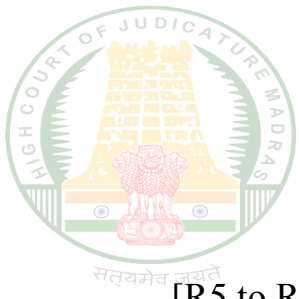
8.Chandrabose

9.Bharathy

10.Kalaimathi

11.Kalaiselvi

... Respondents



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[R5 to R7 are suo-motu impleaded vide order dated 24.07.2023]

[R8 to R11 are suo-motu impleaded vide order dated 01.09.2023]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in Ni.Mu.32819/2011/D3, dated 03.12.2015 and to quash the same and consequently direct the first respondent to grant patta to the property to an extent of 1 acre 80 cents in S.No.71/4 of Kothamangalam Therku Village, Alangudi Taluk, Pudukkottai District mutated the petitioner's name alone.

For Petitioners : Mr.N.Balakrishnan

For Respondents : Mr.S.Kameswaran
Government Advocate for R1

Mr.R.Thangapandian for R2

No Appearance for R7 to R11

ORDER

Heard Mr.N.Balakrishnan, learned counsel appearing for the petitioners, Mr.S.Kameswaran, learned Government Advocate appearing for the first respondent and Mr.R.Thangapandian, learned counsel appearing for the second respondent. The respondents 7 to 11 are the legal heirs of the second respondent, R.Sivasami Servai.



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2.The challenge to the impugned order is only on the ground that the petitioner was not put on notice before the impugned order came to be passed and there has been denial of fair opportunity to the petitioner, as much water has flown since the impugned order came to be passed. The petitioner himself passed away and his legal heirs, namely, the petitioners 1 to 3 and the respondents 5 and 6, have been impleaded as the legal representatives of the deceased sole petitioner. On the side of the respondents as well, the second respondent died and his legal heirs have been brought on record as respondents 7 to 11.

3.In view of the fact that the petitioners were not given an opportunity before the order came to be passed, the impugned order in Ni.Mu.32819/2011/D3, dated 03.12.2015, is set aside on that limited ground and the matter is remitted to the first respondent for conducting fresh enquiry after giving sufficient opportunity to the petitioners as well as the other legal heirs of the deceased sole petitioner, Veeramuthu and the respondents 7 to 11. The District Revenue Officer shall fix a date for enquiry and give advance intimation to all the parties interested and after hearing the claims/objections of the respective parties, the District Revenue Officer shall pass a considered order, in accordance with law



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and on merits. The said exercise shall be carried out with a period of eight weeks from the date of receipt of a copy of this order.

4. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.03.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

The District Revenue Officer,
Pudukkottai & District.



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P.B.BALAJI, J.

sjj

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