



W.P.(MD) No.22584 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.22584 of 2024

and

W.M.P(MD)No.19126 of 2024

Vahitha Banu

... Petitioner

vs.

1.The District Collector,
O/o. The District Collector,
Theni District, Theni.

2.The District Revenue Officer,
O/o. The District Revenue Officer,
Theni District, Theni.

3.The Revenue Divisional Officer,
O/O. The Revenue Divisional Office,
Periyakulam Taluk,
Theni District.

4.The Tahsildar,
Periyakulam Taluk,
Theni District.

5.C.Alagappan
[R5 is impleaded vide order dated 23.10.2024
in WMP(MD)No.19862 of 2024]

... Respondents



W.P.(MD) No.22584 of 2024

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the order passed by the third respondent in his proceedings in Na.Ka.No.8014/2022/A1 dated 29.08.2024 and quash the same as illegal.

For Petitioner : Ms.H.Jasima Yasmin

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1 to R4

Mr.S.Alagarsamy for R5

ORDER

The instant writ petition has been filed challenging the impugned order passed by the third respondent in Na.Ka.No.8014/2022/A1 dated 29.08.2024.

2.The primary objection taken by the learned Additional Government Pleader appearing for the official respondents 1 to 4 as well as the learned counsel appearing for the fifth respondent is that it is only a recommendation that has been made by the third respondent and it is not an order passed by the third respondent.



W.P.(MD) No.22584 of 2024

WEB COPY

3.On going through the impugned communication, I find that the third respondent has only issued recommendations and communicated the same to the District Revenue Officer, Theni District, who is the competent authority to pass orders and the same is not disputed by any of the learned counsel.

4.In view of the above, the present writ petition seeking to challenge the recommendations of the third respondent is not maintainable. However, liberty is granted to the petitioner as well as the fifth respondent to put forth all their contentions before the second respondent/District Revenue Officer, Theni District, who shall afford a fair opportunity of hearing to the petitioner as well as the fifth respondent, to meet or challenge the recommendations of the third respondent, besides putting forth any other submissions/contentions that may be available to them. After considering the said contentions/objections of the petitioner and the fifth respondent, the second respondent/District Revenue Officer shall pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



W.P.(MD) No.22584 of 2024

WEB COPY

5.The copy of this order shall be issued to the learned counsel for the fifth respondent without citing any technical objection regarding mismatch of the name.

6.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

- 1.The District Collector,
Office of The District Collector,
Theni District, Theni.
- 2.The District Revenue Officer,
Office of The District Revenue Officer,
Theni District, Theni.
- 3.The Revenue Divisional Officer,
Office of The Revenue Divisional Office,
Periyakulam Taluk,
Theni District.



W.P.(MD) No.22584 of 2024

WEB COPY

4.The Tahsildar,
Periyakulam Taluk,
Theni District.



WEB COPY



W.P.(MD) No.22584 of 2024

P.B.BALAJI, J.

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W.P.(MD) No.22584 of 2024

18.02.2025