



W.P.(MD)No.6851 of 2016

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.6851 of 2016
and
W.M.P(MD)No.5887 of 2016

Mallika

... Petitioner

Vs.

1.The District Revenue Officer of Pudukkottai,
Collectorate Complex,
Pudukkottai-622 005.

2.The Sub Collector (incharge),
Pudukkottai Division,
Pudukkottai-622 005.

3.The Zonal Deputy Tahsildar,
Ponnamaravathi,
Ponnamaravathi Taluk,
Pudukkottai District.

4.Alagappan

... Respondents

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 of the 1st respondent, dated 12.01.2016 made in his proceedings Na.Ka.D3/10885/2012 which was delivered to the petitioner only on 15.03.2016 reversing the order of the 2nd respondent, dated 01.12.2008 made in his proceedings Na.Ka.A1/11627/2007 and quash the same.



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For Petitioner : Mr.D.Senthil

For R1 – R3 : Mr.B.Saravanan
Additional Government Pleader

For R4 : Mr.K.Balasundaram
Senior Counsel
for M/s.K.B.S Law Associates

ORDER

The petitioner has challenged the order of the 1st respondent in Na.Ka.D3/10885/2012, dated 12.01.2016 received by the petitioner on 15.03.2016, reversing the order of the 2nd respondent, dated 01.12.2008.

2. Heard the learned counsel on either side.

3. The primordial contention of the petitioner is that, without any opportunity being given to the petitioner to advance her contentions to support the order of the 2nd respondent, dated 01.12.2008, the 1st respondent has proceeded to hear the grievance of the 4th respondent and past final orders, cancelling the patta which stood in the name of the petitioner. The specific contention of the petitioner is that though enquiry notice was received by the petitioner, by the time the said notice was served on the petitioner, the date



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fixed for enquiry had already passed and therefore, she has met the officials and

she was informed that a subsequent date of enquiry would be intimated to him.

However, without doing so, the impugned order has been passed. The learned counsel for the petitioner therefore seeks for the order being impugned in the writ petition be set aside and the matter remitted to the 1st respondent for fresh consideration.

4. The learned Additional Government Pleader would submit that detailed enquiry was conducted and enquiry notice was also issued to the petitioner and therefore, no interference is warranted in this matter.

5. The learned counsel for the 4th respondent would contend that even as early as in the year 1995, patta was ordered to be mutated in the name of the 4th respondent's father. Without any notice to the 4th respondent and behind the back of the 4th respondent, the petitioner has approached the revenue authorities and obtained patta in her name. He would also submit that the petitioner was put on notice about the enquiry before the 1st respondent and therefore, the impugned order does not deserve to be interfered with.

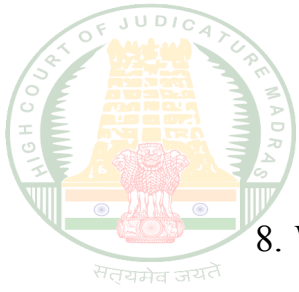


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6. In reply, the learned counsel for the petitioner would invite my attention to the proceedings before the 2nd respondent, before passing the order on 01.12.2018 in favour of the writ petitioner, to contend that the 4th respondent had in fact engaged a lawyer to represent him and therefore, the 4th respondent cannot feign ignorance of the proceedings or the order passed by the 2nd respondent. He would further contend that the revision before the 1st respondent itself was highly belated and made after 7 long years.

7. Be that as it may, in view of the fact that the petitioner's specific allegation that the enquiry notice was received by her, was after the date of enquiry itself and that she was thereafter not put on notice, is not denied by the 1st respondent in the counter affidavit, I'm inclined to set aside the impugned order and remit the matter to the 1st respondent for fresh enquiry to be conducted and to pass final orders, after affording an opportunity to the petitioner as well as the 4th respondent. The said exercise shall be completed within a period of eight (8) 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 Consequently, connected Miscellaneous Petition is closed.

25.03.2025

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

To:

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P.B.BALAJI, J.

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