



W.P.(MD)No.23750 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 25.03.2025**

**CORAM**

**THE HON'BLE MR.JUSTICE P.B.BALAJI**

**W.P.(MD)No.23750 of 2024**

**and**

**W.M.P.(MD)Nos.20109 & 20110 of 2024**

Santhanavelu

: Petitioner

Vs.

1.The Revenue Divisional Officer,  
Devakottai Taluk,  
Devakottai,  
Sivagangai District.

2.The Tahsildar,  
Devakottai Taluk,  
Devakottai,  
Sivagangai District.

3.K.Saravanameiyappan

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent made in Pa.Mu.A1/6173/2024 dated 03.09.2024 in favour of the third respondent and quash the same as illegal and consequently direct



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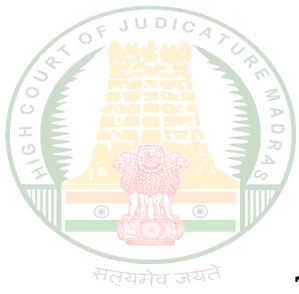
the second respondent to cancel the patta in No.139 issued in favour of the third respondent and other joint patta holders namely, Saravanameiyappan, Ganesan and Chinnasamy with respect to the land in S.No.22/4C to the extent of 0.08.50 Ares and 21 cents and 9147.6 sq.ft and 850 sq.mt of natham land in Karaikudi Re.D, Devakottai Sub D, Devakottai Post, Sithanur Village.

For Petitioner : Mr.S.Anandha Rajagopal  
For Respondents 1&2 : Mr.M.Lingadurai,  
Special Government Pleader  
For Respondent No.3 : Mr.G.Thalaimutharasu

### **ORDER**

The petitioner challenges the order of the first respondent in Pa.Mu.A1/6173/2024 dated 03.09.2024 and consequently seeking cancellation of patta issued in the name of the third respondent and other joint patta holders.

2.I have heard the learned Counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 & 2. I have also gone through the records including the earlier docket orders passed by this Court in the present Writ Petition.



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**3.**The third respondent approached this Court and filed a Writ Petition in W.P.(MD)No.16354 of 2024. The Tahsildar, Devakottai was alone arrayed as respondent in the said Writ Petition. However, the said Writ Petition was disposed of on 22.07.2024, directing the Tahsildar, Devakottai, to inquire into the petitioner's representation and dispose of the same on merits and in accordance with law. This Court also specifically directed the Tahsildar, Devakottai, to put all interested persons on notice, before passing final orders. Subsequently, I find that the writ petitioner has moved this Court in W.P.(MD)No.19489 of 2024, seeking issuance of separate patta in his name based on his representation dated 03.08.2024 and sought for forbearing the first respondent ie., Tahsildar, Devakottai, to issue joint patta in favour of the second respondent and his brothers. The said writ petition was disposed of on 14.08.2024, taking note of the earlier order in W.P.(MD)No.16354 of 2024 dated 22.07.2024, directing the petitioner's application to be inquired into and hear the parties and thereafter pass orders. Therefore, it is seen from the above orders that, not once but twice, this Court has directed an opportunity to be given to the Writ Petition herein.

**4.**The main grievance of the writ petitioner is that without any opportunity, the impugned order has been passed, in violation of the



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earlier orders of this Court. Learned Counsel for the petitioner would invite my attention to the impugned order and contend that though the order proceeds on the basis that the petitioner appeared for enquiry and also submitted documents, the petitioner never appeared and no notice was also served on the writ petitioner.

5. In view of the said allegation made by the petitioner, this Court had directed the files to be produced in original and on 22.10.2024, this Court after perusing the files filed by the Government Advocate, by way of typed set of papers found that the signatures of the petitioner did not tally. Considering the fact that the signatures did not tally, the petitioner was directed to file an affidavit stating that he did not appear before the respondents. Though this Court directed the petitioner to file an affidavit that he did not appear before the respondents, I find from the affidavit filed in support of the Writ Petition that a categorical assertive statement has been made that the first respondent has passed the impugned order without any notice to the petitioner and no explanation was also sought for from the petitioner as alleged by the respondents. Justice should not only be done, but also seem to be done. When this Court has specifically directed the Tahsildar, Devakottai, to give an opportunity to the writ petitioner on two occasions, once on a writ petition was filed by the writ petitioner himself and, on other



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occasion, when the third respondent moved this Court, the first respondent appears to have proceeded to pass orders without giving a fair opportunity to the petitioner.

6. Therefore, the impugned order of the first respondent is set aside. Considering the fact that on the application of the third respondent enquiry is already being conducted by the second respondent, where both the petitioner and the third respondent are admittedly parties, it would suffice to direct the third respondent to conclude the enquiry after affording an opportunity to the petitioner as well as third respondent and pass final orders on the third respondent's application within a period of eight [8] weeks from the date of receipt of a copy of this order. In the meantime, the parties shall maintain *status quo* with regard to physical possession.

7. Accordingly, this Writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**25.03.2025**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes/No  
MR



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To

1.The Revenue Divisional Officer,  
Devakottai Taluk,  
Devakottai,  
Sivagangai District.

2.The Tahsildar,  
Devakottai Taluk,  
Devakottai,  
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**P.B.BALAJI., J.**

MR

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