



W.P.(MD) No.3916 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3916 of 2025
and W.M.P(MD).Nos.2844 and 2845 of 2025

- 1.Karuppaiya
- 2.Kesavan
- 3.Chandarasekar

... Petitioners

Vs.

- 1.The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram District.
- 2.The Tahsildar,
Ramanathapuram Division,
Ramanathapuram District.
- 3.Ranjitham
- 4.Rukmani
- 5.Maniyaraj
- 6.Boominathan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Moo.Mu.A6/574/2022 dated 29.05.2023 passed by the first respondent and quash the same as illegal and consequently direct the second



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respondent to remove the third and fourth respondent name at Survey No.141/7A, 161/1D, 170/2B, 170/2E, 170/2J, and 175/2Ea, Nochiyurani Reenue Village, Ramanathapuram Taluka, in Patta No.693 and 3382.

For Petitioners : Mr.S.Atham Ali

For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The writ petitioners seek issuance of a Writ of Certiorarified Mandamus to quash the impugned order dated 29.05.2023 on the file of the first respondent and consequently, to direct the second respondent to remove the names of the third and fourth respondents whose names have been included in the joint patta Nos. 693 and 3382.

2. I have heard Mr.S.Atham Ali, learned counsel for the petitioners and Mr.B.Saravanan, learned Additional Government Pleader appearing for the official respondents.



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3. With the consent of the learned counsel on either side, this writ petition is taken up for disposal on the limited ground that the impugned order came to be passed without affording an opportunity of hearing by way of notice to the petitioners.

4. According to the petitioners, the subject property originally belonged to the father of the first petitioner and grand-father of petitioners 2 and 3. The respondents 3 to 6 are the other children of the of the original owner, namely, Muniyandi. The case of the petitioner is that the fifth respondent conveyed the land in S.No.161 /1D to an extent of 4.42 acres claiming ownership of 1/3rd share in the said lands and thereafter, there has been a settlement deed in respect of the property executed by the first petitioner in favour of his sons/second and third petitioners. Suppressing all these documents, the third respondent has preferred an appeal before the first respondent and thereby, the names of the respondents 3 and 4 were included in the joint patta, without giving notice either to the petitioners or the other bonafide purchasers.

5. Considering the fact that the impugned order came to be passed without prior notice or hearing the objections of the petitioners, on this limited ground,



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the impugned order is liable to be set aside. Accordingly, this Writ Petition is allowed and the impugned order dated 29.05.2023 passed by the first respondent is hereby set aside and the matter is remitted to the first respondent to decide the application of the third respondent afresh, after giving an opportunity of personal hearing to the petitioners as well as other interested parties, including the other legal heirs of Late.Muniyandi. After conducting detailed enquiry, the first respondent shall pass fresh orders in accordance with law. It is made clear that the decision to remove the names of the respondents 3 and 4 in the revenue records shall be subject to the outcome of the finding and enquiry conducted by the first respondent. The said exercise shall be completed within a period of eight(8) weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected Miscellaneous Petitions are closed.

Rmk

NCC: Yes/No

Index : Yes / No

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P.B.BALAJI, J.

Rmk

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