

W.P.(MD)No.16395 of 2017

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.16395 of 2017
and
W.M.P(MD)No.13064 of 2017

1.Vidya
2.Kayalvizhi

... Petitioners

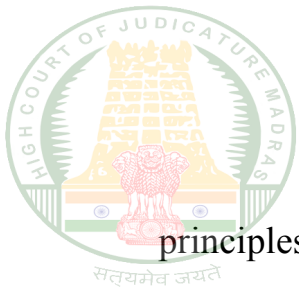
Vs.

1.The District Revenue Officer,
Madurai.
2.The Revenue Divisional Officer,
Usilampatti.
3.The Tahsildar,
Tirumangalam,
Madurai District.
4.The Village Administrative Officer,
A.Kokkulam Village,
Tirumangalam,
Madurai District.

5.Balamurugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the 1st respondent, dated 12/12/2016 in proceedings Ne.Mu.25969/2015/G5 on the file of the 1st respondent, quash the same, as the same is arbitrary, in violation of the



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principles of natural justice, audi alteram partem.

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For Petitioner : Mr.R.G.Shankar Ganesh

For R1 - R4 : Mr.C.Satheesh
Government Advocate

For R5 : No Appearance

ORDER

The petitioner challenges the order of the 1st respondent in Ne.Mu. 25969/2015/G5, dated 12.12.2016.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the official respondents. There is no representation on the side of the 5th respondent.

3. The grievance of the petitioner is that even before the Revenue Divisional Officer, the petitioner's vendor's right had been upheld on 17.02.2011 in Mu.Mu.No.7490/2010/A3 over turning an earlier order, dated 24.03.2010. Subsequently, the petitioner's vendor has been issued patta and has thereafter alienated the property in favour of the present writ petitioner. The writ petitioner has also sought for mutation of revenue records and patta has

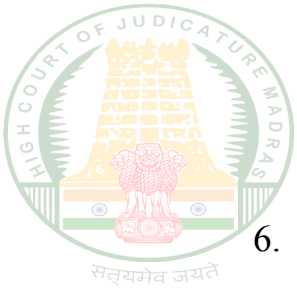


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been mutated in the name of the writ petitioner. Thereafter, suppressing the proceedings, dated 18.02.2011, the 5th respondent has once again approached the revenue authorities and the impugned order came to be passed directing the implementation of the order, dated 24.03.2010.

4. It is clear that the 1st respondent had passed an order without noticing the subsequent order of the 2nd respondent, dated 18.02.2011. It is also the specific case of the petitioner that the neither the petitioner nor his vendor Amsu were enquired into before the impugned order came to be passed.

5. Be that as it may, when the petitioner's vendor's name has been mutated in the patta and subsequently even the petitioner's name has been mutated in the patta, the question of implementing the order dated 24.03.2010 does not even arise. Further, the 1st respondent has not given a fair opportunity to the petitioner to putforth the subsequent events before the 1st respondent to enable the 1st respondent to make a well considered decision. Therefore, the impugned order, dated 12.12.2016 is set aside. It shall be open to the 5th respondent to approach the competent Civil Court, if he is so advised.



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6. In view of the above, this Writ Petition stands allowed. No costs.

WEB COPY Consequently, connected Miscellaneous Petition is closed.

25.03.2025

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

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To:

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