IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11-08-2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P.Nos.24746 and 24747 of 2015
and
M.P.Nos.1 and 1 of 2015

V.Francis @ Bose ...Petitioner in WP.24746/15

R. Anburaj @ Anbu ...Petitioner in WP.24747/15

Vs

1 The District Collector
Thiruvallur District
Thiruvallur.

2 The Sub Collector, Collectorate
Thiruvallur District
Thiruvallur.

3 The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Thiruvallur Division
Thiruvallur.

4 The Tasildhar
Ponnamallee Taluk
Thiruvallur District.

5 D.Anandaraj
No.3 1st Cross Street
Anna Salai Babu Nagar
Pattabiram
Chennai-72. ...Respondents in both WPs

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 4 herein to consider the representation of the petitioner dated 23.05.2015 in seeking to allow the petitioner to participate in

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the enquiry by affording opportunity of hearing in respect of the cancellation of revenue records issued in favour of the petitioner for the property measuring an extent of 2400 sq. ft. situated in Survey No.21/78 and 21/79 (Old Survey No.21/4) of Thiruninravur Village, Gengureddykuppam, Ponnamallee Taluk, Thiruvallur District

For petitioner : Mr. G. Arul Murugan

For respondents : Mr. P. Sanjay Gandhi,
Additional Government Pleader
for RR1 to 4

ORDER

On a complaint given by the fifth respondent in both the writ petition, an enquiry was conducted by the Tahsildar who in turn sent a report to the second respondent as per the proceedings dated 28-05-2015, seeking a hearing. The petitioners have made a representation on 23-05-2015. Thereafter, the petitioner has come forward to file these writ petitions seeking a direction to the respondent Nos.1 to 4 permitting him to participate in the enquiry.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents. By consent, the main writ petitions itself are taken up for final disposal.

3. On a perusal of the records, it is seen that the fourth respondent has to forward the records to second respondent. The said proceedings makes reference about the petitioner in W.P.No.24747 of 2015 and the son of the petitioner in W.P.No.24746 of 2015. The said report is only a piece of evidence looked into by the second respondent, while passing appropriate order and any action to be taken by the second respondent against the petitioners in W.P.Nos.24746 and 24747 of 2015, would have civil consequences.

4. Considering the above facts and circumstances, a direction is issued to the second respondent to hear the petitioner in W.P.No.24747 of 2015 and the son of the petitioner in W.P.No.24746 of 2015 before passing appropriate final orders. It is made clear that without hearing the abovesaid persons, no final orders will be passed. The said exercise shall be concluded within a period of eight weeks from the date of receipt of a copy of this order.

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5. The writ petitions are disposed of, with the above direction. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

glp

To

1 The District Collector
Thiruvallur District
Thiruvallur.

2 The Sub Collector, Collectorate
Thiruvallur District
Thiruvallur.

3 The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Thiruvallur Division Thiruvallur.

4 The Tasildhar
Ponnamallee Taluk
Thiruvallur District.

2 CCs to Mr. G. Arul Murugan, Advocate SR.No. 41690 & 41691

1 CC to the Government Pleader, SR.No. 41989

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RSK (CO)
PSI (26.08.2015)

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