IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.34515 of 2015

and M.P.Nos.1 to 3 of 2015

K.Selladurai ... Petitioner

-Vs-

1. The District Collector,
   Cuddalore District.

2. The Tahsildar,
   Tittagudi Taluk, Cuddalore District.

3. The Regional Manager,
   Tamil Nadu Civil Supplies Corporation,
   Cuddalore Region, Cuddalore District.

4. The Commissioner/Executive Officer,
   Pennadam Town Panchayat,
   Tittagudi Taluk, Cuddalore District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari to call the records pertaining to impugned order in Na.Ka.Ve2/13193/2013 dated 15.12.2013 passed by the 1st respondent and quash the same as illegal arbitrary and violative of audi alteram partem and Article 14 21 and 31(A) of Constitution of India.

For Petitioner : Mr.R.Veeramani
For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader
(R1, R2 & R4)

Mr.L.P.Shanmugasundaram,
Special Government Pleader (R3)

O R D E R

The petitioner, claiming to be in possession of the property situated in Natham Poramboke land in Survey No.80/2, Agaram Village, Tittagudi Taluk, made an objection to the order dated 19.12.2013 passed by the respondent no.1. On the objection of the petitioner, the respondent no.2 directed him to appear for an enquiry along with the available records.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

2.The learned counsel for the petitioner submitted that the petitioner did appear on 16.09.2015 and produced the records to show the factum of possession. However, even before, the final order dated 19.12.2013 is sought to be given effect to by removing the petitioner from the place in which he has been residing over the years.

3.This Court is not willing to go into the disputed question of fact. The question as to whether the petitioner is in possession or not and can he validly object to the order dated 19.12.2013 is a matter for consideration by the respondents. Admittedly, the respondent no.2 has initiated enquiry, pending consideration. Thus, the said authority viz., the respondent no.2 is directed to conclude the said enquiry and pass appropriate final orders pursuant to the proceedings in Na.Ka.A1/9796/2015 by which the petitioner was directed to appear for an enquiry on 16.09.2015, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner. Till then status quo as on today shall be maintained.

4.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To
1. The District Collector,
   Cuddalore District.

2. The Tahsildar,
   Tittagudi Taluk,
   Cuddalore District.

3. The Regional Manager,
   Tamil Nadu Civil Supplies Corporation,
   Cuddalore Region, Cuddalore District.

4. The Commissioner/Executive Officer,
   Pennadam Town Panchayat,
   Tittagudi Taluk, Cuddalore District.

+1 cc M/s.L.P.Shanmuga sundaram,Advocate(sr.58856)
+1 cc to M/s.R.Veeramani,Advocate(sr.58708)

W.P.34515 of 2015
and M.P.Nos.1 to 3 of 2015

ug(CO)
CP 30/10/2015

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/