

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.Nos.5736 to 5765
and
M.P.Nos.1 OF 2015
(in each writ petition)

W.P.Nos.5736 of 2015 to 5765 of 2015

Y.Sankaran	 Petitioner in W.P.No.5736 of 2015
C.Arokia Samy	 Petitioner in W.P.No.5737 of 2015
Chinnathambi	 Petitioner in W.P.No.5738 of 2015
Gopal	 Petitioner in W.P.No.5739 of 2015
M.Govindan	 Petitioner in W.P.No.5740 of 2015
Govindasamy	 Petitioner in W.P.No.5741 of 2015
Jeyamma	 Petitioner in W.P.No.5742 of 2015
N.Kannan	 Petitioner in W.P.No.5743 of 2015
R.Kannapa	 Petitioner in W.P.No.5744 of 2015
K.Krishnan	 Petitioner in W.P.No.5745 of 2015
V.Krishnan	 Petitioner in W.P.No.5746 of 2015
A.Kamal Bai	 Petitioner in W.P.No.5747 of 2015
Lakshamma	 Petitioner in W.P.No.5748 of 2015
Mani	 Petitioner in W.P.No.5749 of 2015
V.Muthuraman	 Petitioner in W.P.No.5750 of 2015
R.Murugan	 Petitioner in W.P.No.5751 of 2015

Muniraji ... Petitioner in W.P.No.5752 of 2015
M.Murugan ... Petitioner in W.P.No.5753 of 2015
Palani ... Petitioner in W.P.No.5754 of 2015
Pramila ... Petitioner in W.P.No.5755 of 2015
Rajan ... Petitioner in W.P.No.5756 of 2015
Ramayya ... Petitioner in W.P.No.5757 of 2015
Sonnamma ... Petitioner in W.P.No.5758 of 2015
Subhan ... Petitioner in W.P.No.5759 of 2015
P.Venkatesan ... Petitioner in W.P.No.5760 of 2015
M.Venkatesan ... Petitioner in W.P.No.5761 of 2015
V.Venkatesan ... Petitioner in W.P.No.5762 of 2015
Y.Venkatesan ... Petitioner in W.P.No.5763 of 2015
M.Veeramuthu ... Petitioner in W.P.No.5764 of 2015
T.Venkatesan ... Petitioner in W.P.No.5765 of 2015

1. The Sub-Collector,
Hosur, Krishnagiri District.
2. The Tahsildar,
Taluk Office,
Hosur, Krishnagiri District.

Versus

.. Respondents

PRAYER in W.P.No.5736 to 5765 of 2015 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari calling for the records relating to the impugned proceedings passed in Na.Ka.No.3803/2008 (B3), dated 24.10.2008 on the file of the first respondent herein and quash the ssme respectively.

For Petitioners in : Mr.K.Govi Ganesan
all these petitions

For Respondents in : Mr.M.L.Mahendran,
W.P.Nos.5736 to Govt. Advocate
5755 of 2015

For Respondents in : Mr.S.Gunasekaran
W.P.Nos.5756 to Govt. Advocate
5765 of 2015

C O M M O N O R D E R

Heard Mr.K.Govi Ganesan, learned counsel appearing for the petitioners in all these petitions and Mr.M.L.Mahendran and Mr.S.Gunasekaran, learned Government Advocates accepting notice on behalf of the respondents.

2. With the consent of either side, these writ petitions are taken up for final hearing.

3. The prayer in all these writ petitions is one and the same challenging the orders passed by the first respondent dated 24.10.2008, by virtue of which, the pattas granted in favour of the petitioners in the year 1996-97 were cancelled.

4. Though several grounds have been raised by the petitioners challenging the impugned orders, it is suffice to take note of the primary ground of challenge, which is, by contending that the impugned orders have been passed without issuing any notice to the petitioners and without affording any opportunity and as such, the impugned orders are passed in violation of principles of natural justice and the same are liable to be quashed.

5. Furthermore, the petitioners would state that though the pattas were granted in their favour, the lands had to be reclaimed and boundary stones have to be fixed, for which, the petitioners have been representing from 2006 onwards. The copies of those representations have been filed in the typed-set of papers. Further, in the year 2008, a request was made for surveying the land and that request was also acknowledged by the Sub Collector, House - the first respondent, vide communication dated 11.02.2008.

6. In the light of the above, instead of setting aside the impugned proceedings, the petitioners in these writ petitions are directed to treat the impugned proceedings as show-cause notice and they are directed to submit their individual replies to the show-cause notices enclosing the copies of documents in support of their claim and such replies shall be submitted to the first respondent within a period of three weeks from the date of receipt of a copy of this order.

7. On receipt of such replies, the first respondent shall issue notice to the petitioners, conduct an enquiry and after affording an opportunity of personal hearing either to the petitioners individually or collectively through their representative and after considering the entire objections including the claim made by the petitioners that they have been representing for reclaiming the lands, pass orders on merits and in accordance with law within a period of three months from the date on which the personal hearing is concluded.

9. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

1. The Sub-Collector,
Hosur, Krishnagiri District.
2. The Tahsildar,
Taluk Office,
Hosur, Krishnagiri District.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.12102
+3cc's to the Government Pleader, S.R.No.12170

W.P.NOs.5736 to 5765 OF 2015

NM(CO)
CA(23/03/2015)