

In the High Court of Judicature at Madras

Dated: 28.7.2015

Coram:

The Hon'ble Mr. Justice M. Jaichandren

Writ Petition No. 23583 of 2012

M. Sivaswamy

.. Petitioner

vs.

1. The Revenue Divisional Officer,
Coimbatore.

2. The Assistant Director,
Land Survey,
Collectorate, Coimbatore.

3. Kovai Mavatta Kulalar Mandram,
rep. by its President,
A. Venkatachalam

.. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the impugned order passed by the 1st respondent in his proceedings Mu.Mu.3027/2012/A2 dated 3.8.2012, and quash the same.

For petitioner : Mr. D. Ravichander
For respondents : Mr. R. Ravichandran, AGP
for R1 & R2
Mr. P. Saravanan for R3

सत्यमेव जयते
O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed challenging the order passed by the 1st respondent, dated 3.8.2012, directing to re-survey the property situate, in T.S.Nos.45 and 113, T [20], Block No.19, Ganapathy village, Coimbatore North Taluk.

3. The main contention of the learned counsel appearing for the petitioner is that, the 1st respondent had passed the impugned order, dated 3.8.2012, without giving an opportunity of hearing to the petitioner. Hence, the impugned order ought to be set aside.

4. On a perusal of the impugned order of the 1st respondent, dated 3.8.2012, it is clear that the petitioner had not been given an opportunity of hearing, before the said order had been passed. In such circumstances, this Court finds it appropriate to set aside the impugned order of the 1st respondent, dated 3.8.2012, as it had been passed, contrary to the principles of natural justice.

5. Accordingly, the Writ Petition is allowed, setting aside the impugned order, dated 3.8.2012, passed by the 1st respondent. However, it is made clear that it would be open to the 1st respondent to pass appropriate orders, on the Appeal filed by the 3rd respondent, on merits and in accordance with law, after giving an opportunity of hearing to the petitioner, the 3rd respondent, and the other persons concerned, if any. The said exercise shall be carried out by the 1st respondent, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner, as well as the 3rd respondent shall cooperate in the enquiry to be conducted by the 1st respondent. It is also made clear that it would be open to the parties concerned to raise all the grounds available to them, before the 1st respondent, during the course of the enquiry. No costs. M.P.No.1 of 2012 is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

gs.

To

1.The Revenue Divisional Officer,
Coimbatore.

2.The Assistant Director,
Land Survey,
Collectorate, Coimbatore.

1 cc to Mr.D.Ravichander , Advocate Sr.No.38752

1 cc to Government Pleader.Sr.No.39103

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gj (co)
pmk.11.8.2015