

In the High Court of Judicature at Madras

Dated: 22.7.2015

Coram:

The Hon'ble Mr. Justice M. Jaichandren

Writ Petition No. 13822 of 2012

K. Palanisamy

.. Petitioner

vs.

The Revenue Divisional Officer,
Tiruppur District.

.. Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorari mandamus calling for the records of the respondent in O.Mu.678/2011/A5, dated 30.12.2011, and quash the same and consequently direct the respondent to pass orders afresh, after holding an enquiry in the application filed by the petitioner dated 28.2.2011.

For petitioner : Mr. C. R. Prasanan

For respondents : Mr. R. Ravichandran, AGP

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Heard the learned counsels appearing on behalf of the petitioner, as well as the respondent.

2. This Writ Petition has been filed by the petitioner challenging the order passed by the Revenue Divisional Officer, Tiruppur, rejecting the request of the petitioner for the issuance of a joint patta, with regard to the lands in S.F.Nos.269, 270 and 262, in Naduvacheri village, Avinashi Taluk, Tirupur District.

3. The learned counsel appearing on behalf of the petitioner had submitted that the only reason based on which the respondent had rejected the request of the petitioner is that a Civil Suit is pending, in O.S.No.112/2008, on the file of the District Munsif Court, Avinashi. The grievance of the petitioner is that the petitioner had not been given a personal hearing before passing the impugned order of rejection.

4. The learned counsel appearing on behalf of the petitioner had further submitted that it would suffice, if the impugned order, dated 30.12.2011, is set aside and the respondent is directed to pass orders afresh, after giving an opportunity of hearing to the petitioner and the other parties concerned, based on the petitioner's

representation, dated 28.2.2011.

5. On the other hand, the learned counsel appearing on behalf of the respondent had submitted that the impugned order passed by the respondent is valid and proper and hence, there is no reason for this Court to interfere with the same.

6. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a perusal of the entire records available, this Court is of the view that the mere pendency of the Civil Suit, in O.S.No.112/2008, on the file of the District Munsif Court, Avinashi, may not be a hindrance for passing an order by the respondent, on merits, considering the representation of the petitioner, dated 28.2.2011. Therefore, this Court finds it appropriate to set aside the impugned order, dated 30.12.2011, as it has been passed without hearing the parties concerned, including the petitioner.

7. In such circumstances, the impugned order passed by the respondent, dated 30.12.2011, is set aside. The respondent is directed to consider the representation of the petitioner, dated 28.2.2011, and pass appropriate orders, on merits and in accordance with law, after giving an opportunity of hearing to the petitioner and the other parties concerned, if any, within a period of twelve weeks from the date of receipt of a copy of the order. The petitioner shall fully cooperate in the enquiry and place all the records before the respondent, in support of his claims, as per his representation, dated 28.2.2011. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

The Revenue Divisional Officer,
Tiruppur District.

1 cc to Mr.C.R.Prasanan , Advocate Sr.No.37334

1 cc to Government Pleader.Sr.No.37386

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ad(co)

pmk.5.8.2015