

W.M.P.No.26677 of 2016 in
W.P.No.18768 of 2016

HULUVADI G.RAMESH, J.
AND
M.V.MURALIDARAN, J.

(Order of the Court was made by HULUVADI G.RAMESH, J.)

This application is filed by the fourth respondent in the writ petition, seeking to recall the order dated 3.6.2016, passed by this court in W.P.No.18768 of 2016, on the ground that no opportunity had been afforded to him before taking any action by the revenue authorities. In this regard, the petitioner also moved the Honourable Supreme Court by filing S.L.A.(C) No.24232 of 2016, whereon liberty was granted to him to approach this court.

2. The grievance of the petitioner herein/fourth respondent in the writ petition is that he had not been given opportunity and an unilateral order has been passed. However, the stand taken by the writ petitioner is that there is an encroachment. But, the stand of the present petitioner viz., the fourth respondent in the writ petition is that there is no encroachment and it is a private property.

3. Therefore, we are of the view that to meet the ends of justice, paragraph 4 of the order passed by this court needs to be modified to the extent that before the Tahsildar takes any action, the fourth respondent in the writ petition as well as the writ petitioner be given sufficient opportunity to have their say in the matter and thereafter, the Tahsildar shall take a decision in the matter. With the above modification, this petition is disposed of. All the contentions are left open to be submitted by the fourth respondent in the writ petition as well as by the writ petitioner, if need be.

(H.G.R., J.) (M.V.M., J.)
17.10.2016

ssk.

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