

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2017

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

W.P.No.4288 of 2017

V.Thirugnanam

...Petitioner

Vs.

1. The District Collector,
Villupuram District.

2. District Revenue Officer,
Villupuram District.

3. The Revenue Divisional Officer
Thirukoilur Taluk,
Villupuram District.

...Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus of any other appropriate wirt, direction or order calling for the records of the first respondent in his proceedings Pa.Mu.Aa8/23467/2010 and quash the impugned order dated 28.06.2016 and direct the second respondent to issue patta treating the land in question as patta land belonging to the petitioner.

For Petitioner : Mr.Suhrith Parthasathy

For Respondents: Mr.S.Rajeswaran
Special Government Pleader.

O R D E R

The petitioner calls in question the order dated 28.06.2016 passed by the first respondent in and by which the first respondent refused to entertain the appeal filed by the petitioner on the ground that there is no provisions to entertain the appeal as against the order passed by the District Revenue Officer.

2. The petitioner claims to be the owner of the land comprised in survey No.148/2C measuring an extent of 4.69 acres in Elandurai Village, Tirukkoilur Taluk, Villupuram District having purchased the same by a registered sale dated 11.03.1970 registered as document No.1258 of 1970. According to the petitioner he was in possession and enjoyment of the land from the date of such purchase. It is the contention of the petitioner that the said land was classified as 'assessed waste dry' in the revenue records. It is the further contention of the petitioner that the Village Administrative Officer with a malafied intention of grabbing the land of the petitioner has registered a false compliant against him, based of which a case in Crime No. 374 of 1999 was registered by the Inspector of Police, Thiruvannainallur. According to the petitioner, the said criminal case registered against the petitioner has culminated in C.C.No.29 of 2000 and ultimately by judgment dated 20.01.2014 passed by the learned Judicial Magistrate No.2, Ulundurpet, he was acquitted from the criminal proceedings.

3. According to the petitioner after the completion of the criminal proceedings, the officials have not taken any steps to transfer the revenue records in respect of the land in question in his name. Therefore, the petitioner has approached the Commissioner, Land Administration, Chepauk, Chennai-5, with a petition dated 30.11.2009. The said petition was returned with a direction to the petitioner to approach the second respondent. Accordingly, the petitioner approached the second respondent by filing a petition in RP.23467 of 2010, dated 30.06.2010. The said application preferred by the petitioner has been kept pending and therefore the petitioner approached this Court by filing W.P.No.10133 of 2015 for Mandamus for earlier disposal of his petition. This Court by an order dated 08.04.2015 directed the first respondent to take up the petition filed by the petitioner within a period of eight weeks. As the said order passed by this Court has not been complied with, the petitioner has issued contempt notice to the second respondent. Thereafter, the second respondent issued notice for enquiry on 11.09.2015 calling the petitioner to appear for enquiry on 17.12.2015. Accordingly the petitioner appeared before the second respondent. Thereafter by an order dated 18.12.2015 the second respondent rejected the petition filed by the petitioner holding that the petitioner is not entitled for issuance of patta in his name. Aggrieved by the said order, the petitioner filed an appeal before the first respondent. The first respondent by an order dated 28.06.2016, which is impugned in this writ petition, has rejected the appeal on the ground that there is no provision for entertaining the appeal.

4. The learned counsel for the petitioner mainly contented that the impugned order passed by the first respondent, without affording due opportunity of hearing to the petitioner, is illegal and cannot be sustained. The learned counsel for the petitioner further contended that the impugned order has been passed by the first respondent in violation of the principles of natural justice.

5. On the above contention of the learned counsel for the petitioner, this Court heard the learned Special Government Pleader for the respondents and perused the records.

6. It is seen from the order dated 28.06.2016 passed by the first respondent that the first respondent has rejected the appeal filed by the petitioner without affording an opportunity of hearing to him. In other words, the impugned order passed by the first respondent is in violation of the principles of natural justice. Therefore, on this limited ground I am inclined to set aside the order passed by the first respondent.

7. Accordingly the impugned order passed by the first respondent is set aside and the first respondent is directed to afford sufficient opportunity of hearing to the petitioner and thereafter pass appropriate orders on merit and in accordance with law within a period of two months from the date of receipt of copy of this Order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

1. The District Collector,
Villupuram District.

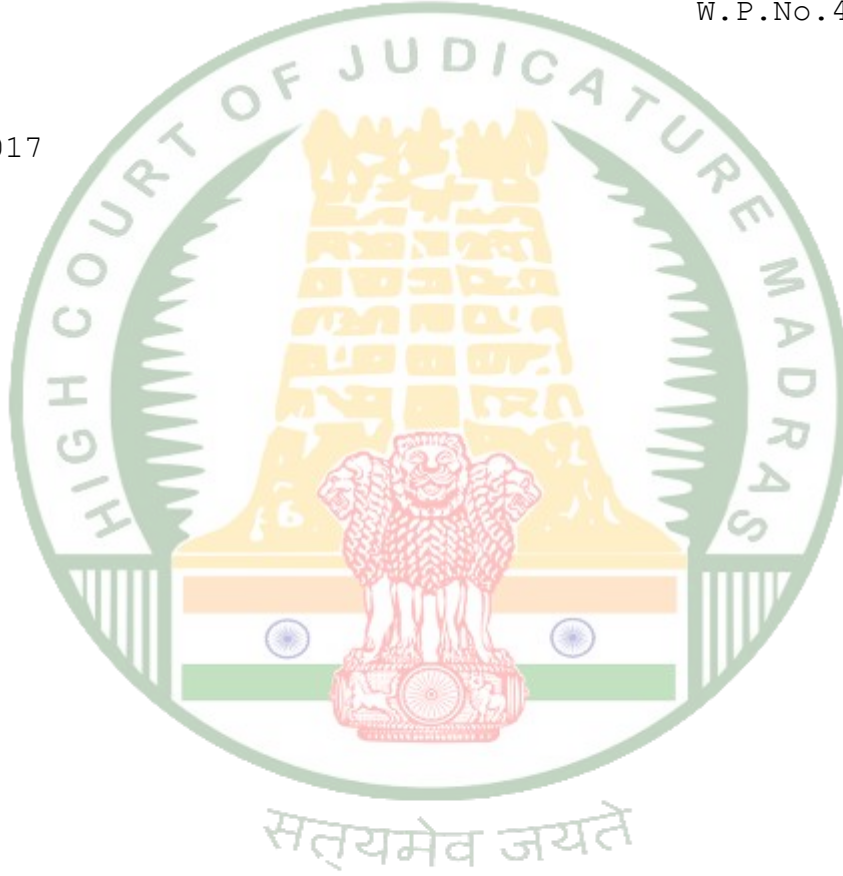
2. District Revenue Officer,
Villupuram District.

3. The Revenue Divisional Officer
Thirukoilur Taluk, Villupuram District.

+lcc to Mr.Suhrith Parthasarathy, Advocate Sr.13760
+lcc to the Government Pleader Sr.13848

W.P.No.4288 of 2017

gj[col]
srg 5/4/2017



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