

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.23695/2017

1.L.Neela Mohan
2.L.Ethiraj
3.K.Ramesh

Petitioners

Versus

1.The District Revenue Officer
Singaravelar Maligai,
Chennai 600 001.
2.The Revenue Divisional Officer
Egmore, Division, Chennai 600031.
3.The Tahsildar
Guindy Taluk, Chennai-600 015. ..

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the 1st respondent and quash the order passed in No.05/6095/2017 dated 21.07.2017 and consequently, direct the 1st respondent to restore the petitioner in possession in TS.No.38 situated within the village of Kottur, Chennai-65.

For Petitioners : Mr.P.G.Perumal Pandian

For Respondents : Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioners, on an earlier occasion, had filed WP.No.12747/2017, praying for issuance of a writ of certiorarified mandamus seeking to quash the order of the 2nd respondent dated 31.03.2017 and consequently, direct the 2nd respondent herein to restore the petitioner in possession in TS.No.38, Kottur Village, and this Court, vide order dated 25.07.2017 has directed the 1st respondent to provide an opportunity of personal hearing to the petitioner by fixing the date of hearing and after considering the submissions advanced by the petitioners or their authorised representatives, shall give disposal to the Appeal or the Stay petition by way of speaking order, within the stipulated time and further directed the 3rd respondent to maintain the land as a vacant land and depending upon the result of the appeal before the 1st respondent, the petitioners were given liberty to work out their further remedy.

3 The learned counsel for the petitioners would submit that at the time of hearing of the appeal before the 1st respondent, the above said writ petition was pending and they merely wanted adjournment and however, misconstruing the request, the 1st respondent has rejected the appeal as if the petitioners are not inclined to get along with the appeal on account of the pendency of the writ petition and would further submit that if the order is set aside and once again the matter is remanded to the 1st respondent, they will participate in the proceedings and the said official may be directed to pass orders on merits and in accordance with law within the stipulated time.

4 This Court heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents and also perused the materials placed before it.

5 In the light of the submissions made and on perusal of the materials placed before this Court, the impugned order of the 1st respondent dated 21.07.2017 in No.05/6095/2017 is hereby set aside and the 1st respondent is directed to re-hear the appeal and to provide an opportunity of personal hearing to the petitioners or their authorised representatives and after considering the submissions advanced as well as the materials enclosed, shall give disposal to the Appeal or the Stay petition on merits and in accordance with law, by way of speaking order, as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners and till such time, the 3rd respondent shall maintain the land as a vacant land and depending upon the result of the appeal before the 1st respondent, the petitioners are liberty to work out their remedy in accordance with law.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Revenue Officer
Singaravelar Maligai,
Chennai 600 001.

2.The Revenue Divisional Officer
Egmore, Division, Chennai 600031.

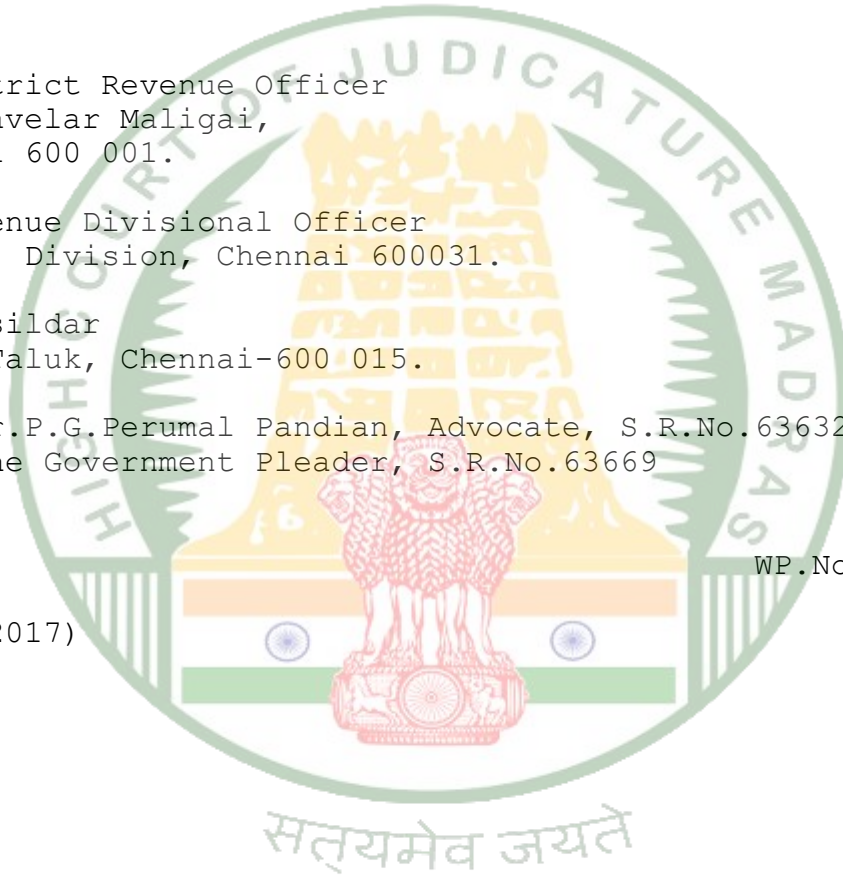
3.The Tahsildar
Guindy Taluk, Chennai-600 015.

+1cc to Mr.P.G.Perumal Pandian, Advocate, S.R.No.63632

+1cc to the Government Pleader, S.R.No.63669

WP.No.23695/2017

LRS (CO)
GN(05/10/2017)



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