

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2017

CORAM

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.A.No.1465 OF 2016

Thangammal
w/o Aaraan

(substituted the appellant vide order of Court
dt. 20.07.2016 made in CMP No.11148/16 in
W.A.Sr81822/2016) .. Appellant

-vs-

- 1.The Secretary to Government
Revenue Department,
Secretariat, Chennai 600 009.
- 2.The Commissioner
Land Reform, Chempauk,
Chennai 600 005.
- 3.The District Collector
Erode 638 011.
- 4.The Joint Commissioner
Land Reforms, Jawan's complex
Gandhiji Road, Erode 638 001.
- 5.The Assistant Commissioner
Land Reforms, Jawan's complex
Gandhiji Road, Erode 638 001.
- 6.The Tahsildar
Perundurai Taluk
Erode District 638 052.

7.Rasathi

8.Samiappan

9.Subbathal

.. Respondents

Writ Appeal filed under clause 15 of the Letters Patent against the order dated 24.06.2015 rendered in W.P.No.7812 of 2014 filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 2nd respondent to implement his order made on 7.5.2012 under Notice Ref. No.MR4/ 177/17-70/C1 in letter and spirit directing to the 3rd respondent District Collector to reassign the land to the extent of 0.84 cent in Survey No.312 and 1 acre 96 cent in Survey No.314/B resurvey No.4/2-11-16 and in whole 2.80 acre land at pasuvapatti village in Perundurai Taluk Erode District to the lawful original assignee the petitioner herein and report compliance with imposing of case cost.

For Appellant : Mr.A.S.Palanisamy

For Respondents: Mr.Siva Shanmuga Sundaram-R1 to R6
Spl.Govt. Pleader

Mr.S.Kaithamalai Kumaran - R7

J U D G E M E N T

NOOTY.RAMAMOHANA RAO, J.

There is any amount of criticism made in the manner in which the learned Single Judge has rendered Judgment in the Writ Petition. We are refraining ourselves from recording the details of the said criticism. However, with a view to satisfy ourselves as to whether proper consideration has been bestowed by the learned single Judge, we went through the Judgment rendered entirely on our own and in an independent manner. We find, that the criticism made against the manner in which the case was handled and Judgment was rendered, are not without any merit. We have only avoided to refer to the criticism and recording our findings thereon, as we do not want the same to be form part of record of this Court.

2.Ends of justice, in our considered opinion would be better served, if we set aside the Judgment of the learned single Judge and restore the Writ Petition, so that both sides will have a fair and equitable chance to address all the issues before the learned single Judge and establish their respective cases. Since restoring the Writ Petition to the file of the

learned single Judge would cause no prejudice to either party, we have arrived at such a safe course of action.

3. Accordingly, the Writ Appeal is allowed, the Judgment rendered on 24.06.2015 in W.P.No.7812 of 2014, by the learned single Judge (Hon'ble Mr. Justice C.S. Karnan), is set aside and the Writ Petition stands restored to its file.

Let the Writ Petition be listed for consideration, as per roster, before the learned single Judge. No costs.

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar

rpa

To

1. The Secretary to Government
Revenue Department,
Secretariat, Chennai 600 009.
2. The Commissioner
Land Reform, Chepauk,
Chennai 600 005.
3. The District Collector
Erode 638 011.
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Erode District 638 052.

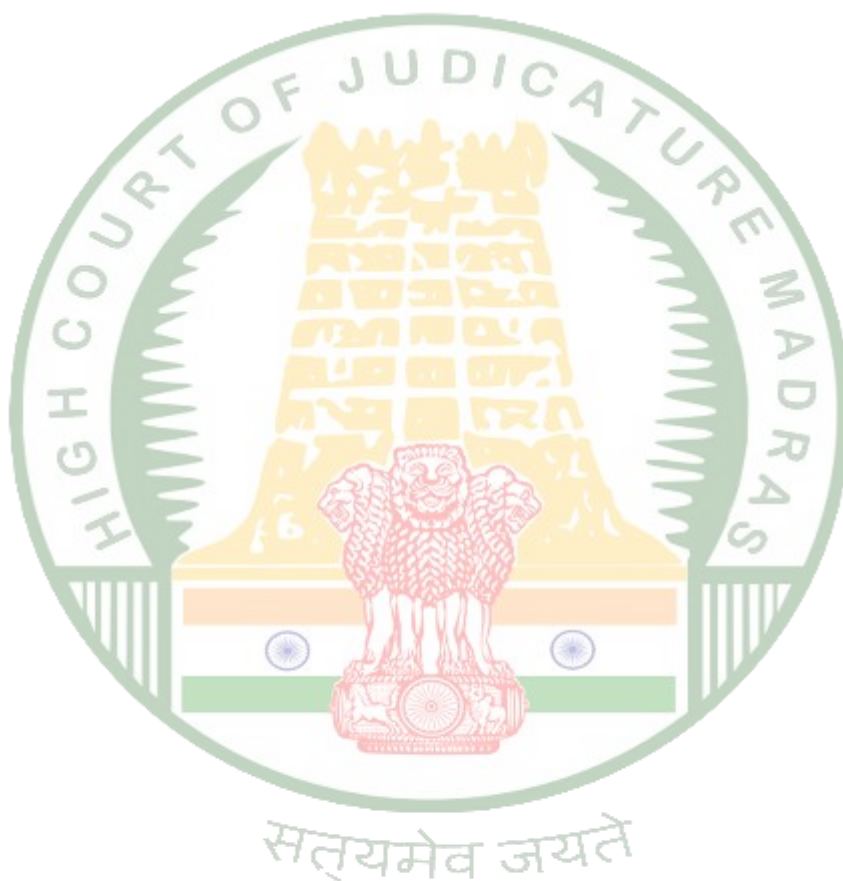
7.The Section Officer, Writ Section, High Court,
Madras.

+2ccs to Mr.A.S.Palanisamy, Advocate sr.8666

+1cc to The Government Pleader, Sr.9527

W.A.No. 1465 OF 2016

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