

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

Writ Appeal No.1612 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.9915 of 2015 dated 22.08.2017. The appellants herein had filed W.P.No.9915 of 2015 questioning the order of the Joint Collector in cancelling the entries in the record of rights, wherein the names of their vendors was recorded as pattadars, and in remanding the matter to the Tahsildar for a fresh enquiry, as arbitrary and illegal. The appellants had also questioned the notice issued to them by the Tahsildar to appear before him, and show cause why the names of respondents 5 to 7 should not be recorded as the pattadars in the record of rights, also as arbitrary and illegal.

The case of the appellant-writ petitioners, in short, is that respondents 5 to 7 herein had submitted an application to the Tahsildar, under the Right to Information Act, requesting him to furnish details of the names of the pattadars as recorded in the record of rights; and the Tahsildar had, by his endorsement dated 01.12.2010, refused to share this information. Aggrieved thereby, respondents 5 to 7 herein filed a revision to the District Collector. Though the revision was preferred against the endorsement of the Tahsildar, refusing to furnish information, respondents 5 to 7 had also prayed for the illegal entries in the record of rights to be set aside, and to include their names as pattadars therein.

The appellant-writ petitioners claim to have purchased the subject property from their vendors, in whose favour pattadar pass books were issued in the year 2006, who, in turn, had purchased it

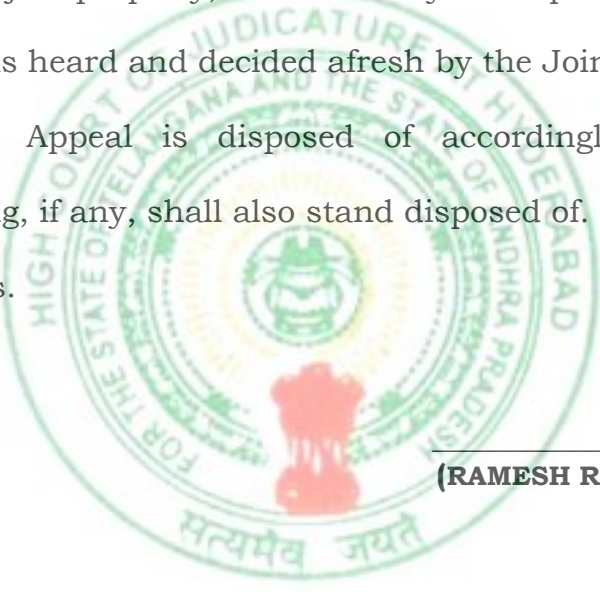
from others whose names were entered, in the revenue records, as the pattadars in the year 1984. The appellant-writ petitioners claim to have purchased the subject property from their vendors in the year 2007, long before the revision was filed before the Joint Collector in the year 2011. The Joint Collector passed the order, impugned in the writ petition, without putting the appellant-writ petitioners on notice and without giving them an opportunity of being heard.

While Sri K.Chidambaram, learned counsel for respondents 5 to 7 herein, would submit that the revision was preferred by respondents 5 to 7 against persons whose names were entered in the record of rights as pattadars in the year 1984, and they were unaware of the subsequent alienations, it does appear that the sale deeds executed by the respondents (in the revision before the Joint Collector) in favour of the appellants' vendors in the year 2006, and the sale deed executed in favour of the appellants by their vendors in the year 2007, are both registered sale deeds and, consequently, respondents 5 to 7 herein cannot claim ignorance of public documents. Consequently the revisional order passed by the Joint Collector, in proceedings where the respondents (appellants herein) were not arrayed as respondents, would be in violation of principles of natural justice.

While these issues were not brought to the notice of the Learned Single Judge, in as much as the learned counsel for the appellants had failed to appear before him during the course of hearing, we are satisfied that, since the Joint Collector had passed the revisional order behind the appellants' back, without putting them on notice, and without giving them an opportunity of being heard, the order passed by the Joint Collector dated 27.09.2014 must be set aside for violation of principles of natural justice.

The revision before the Joint Collector shall stand restored. The appellants herein shall stand impleaded as respondents in the revision. The Joint Collector shall put both the appellants and respondents 5 to 7 herein on notice, give them an opportunity of being heard, and thereafter pass orders afresh, and in accordance with law, with utmost expedition and, in any event, not later than three months from the date of receipt of a copy of this order. As the order of the Joint Collector itself is set aside, the consequential notice, issued by the Tahsildar, is also set aside. With a view to ensure that no prejudice is caused to respondents 5 to 7 also, we direct the appellant-writ petitioners not to alienate the subject property, or create any third party rights thereon, till the revision is heard and decided afresh by the Joint Collector.

The Writ Appeal is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(ABHINAND KUMAR SHAVILI, J)

08th November, 2017
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Date: 08.11.2017