

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Writ Appeal No.1859 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.38646 of 2017 dated 24.11.2017. The respondents in the writ petition invoked the jurisdiction of this Court aggrieved by the direction of the Learned Single Judge to the 1st appellant to initiate disciplinary against the 3rd appellant, for including the subject land of the respondent-writ petitioners in the prohibitory list under Section 22-A of the Registration Act, 1908 inspite of the fact that the subject land is admittedly private land, as can be seen from the sale deeds dated 15.04.1950 and 28.07.1984, partition deed dated 26.05.2004 and sale deed dated 12.03.2015 and also because pattadar pass book and title deeds have been issued to the respondent-writ petitioners and their predecessors in title admitting that it is their private property.

This order was passed by the Learned Single Judge at the stage of admission without the appellants herein being given an opportunity to file their counter-affidavit. The relief sought for in the writ petition was to declare the action of the appellants, in including the respondent-writ petitioners' land in the prohibitory properties list, as illegal, arbitrary, in violation of the Registration Act, 1908 and in violation of Article 300-A of the Constitution of India. It is only if the writ petition were to be allowed, and the declaration sought for by the respondent-writ petitioners granted, could the order under appeal have been passed thereafter. The order, directing disciplinary action to be taken against the officials concerned without even giving them

an opportunity of being heard, suffers from a patent error necessitating our interference under Clause 15 of the Letters Patent.

The order under appeal is set aside and the Writ Appeal is, accordingly, allowed. The appellants shall file their counter-affidavit in the writ petition within two weeks from today. It is open to the respondent-writ petitioners to request the Learned Single Judge to take up the writ petition for hearing any day after two weeks. Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(GUDISEVA SHYAM PRASAD, J)

06th December, 2017
JSU



**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**



Writ Appeal No.1859 of 2017

Date: 06.12.2017

JSU