

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.5362 of 2018

and

WMP.No.6585 of 2018

D.Rossiah
S/o.Devarajulu

.. Petitioner

Vs.

1.The District Revenue Officer
Thiruvallur.

2.The Tahsildar
Ponneri
Thiruvallur.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the order passed in Na.Ka.21893/2017/L.R.2 dated 27.11.2017 (which was received by the petitioner on 21.02.2018) on the file of the 1st respondent quash the same.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.R.Govindasamy
Special Government Pleader

सत्यमेव जयते
O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the order of the first respondent dated 27.11.2017, wherein and whereby, the Patta granted in favour of the petitioner was cancelled and consequently, the same was issued in the name of Bhoodan Board.

3. Heard both sides.

4. Perusal of the impugned order would show that the petitioner failed to furnish any documents in support of his claim in spite of granting sufficient time. On the other hand, it is contended by the petitioner that the documents were sent to the first respondent by post and the same were not considered. The petitioner has also enclosed the copies of the documents in the typed set of papers, which he wants to rely upon in support of his claim.

5. This Court, at this stage, is not inclined to go into the merits of the contention based on those documents, as it is for the first respondent to consider and decide the same. Since the impugned order was passed on the reason that the petitioner did not produce the supporting documents and when the petitioner has filed those documents before this Court, in order to give a final chance to the petitioner to prove his case before the first respondent, this Court is of the view that the matter has to be remitted back to the first respondent to consider the matter afresh. Accordingly, without expressing any view on the merits of the claim made by the petitioner, this writ petition is allowed only for the purpose of providing a final opportunity to the petitioner to prove his claim before the first respondent, by producing necessary documents. Thus, the impugned order is set aside and the matter is remitted back to the first respondent for passing fresh orders. The petitioner is directed to appear before the first respondent and produce all the relevant documents on 19.03.2018 without fail. On considering those documents, the first respondent will pass fresh orders on merits and in accordance with law, within a period of four weeks thereafter. If the petitioner fails to appear before the first respondent on the said day, the impugned order already passed stands restored without reference to the Court. No costs. Consequently, connected miscellaneous petition is closed.

mk

dt.09.3.2018

For Being Mentioned

This Writ petition coming under the caption "for being mentioned" on this day in pursuance to the order dated 09.03.2018, at the instance of Mr.S.Doraisamy, Advocate for the petitioner in the presence of Mr.R.Govindasamy, Special Government Pleader for the respondents, the court made the following order:-

This matter is listed today at the instance of the petitioner under the caption 'for being mentioned'.

2. It is stated that the petitioner was not in a position to produce all the relevant documents on 19.03.2018 as directed by this Court since the order copy itself was made ready only on 27.03.2018. Therefore, the learned counsel for the petitioner seeks extension of time.

3. Considering the above stated facts and circumstances, the petitioner is permitted to appear before the first respondent and produce all the relevant documents on or before 10.04.2018.
vsi dt.28.3.2018

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mk
To

- 1.The District Revenue Officer | To be substituted to the order
Thiruvallur. | already despatched on 28.3.2018
- 2.The Tahsildar
Ponneri
Thiruvallur.

+lcc to the Government Pleader, S.R.No.18494
+lcc to Mr.S.Doraisamy, Advocate S.R.No.24025

W.P.No.5362 of 2018

KAN(CO)
RRK(23/03/2018)
sm:2.4.2018

WEB COPY