

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition Nos.29256 & 29257 of 2014
and
M.P.Nos.1 and 1 of 2014

S.M.Mahaboob Basha .. Petitioner in W.P.No.29256/2014

S.M.Hidayath Basha .. Petitioner in W.P.No.29257/2014

Vs.

1. State, represented by
Secretary to Government,
Adi-Dravidar & Tribal Welfare
Department,
Fort St.George,
Chennai - 600 009.

2. The Special Tahsildar,
Adi Dravidar Welfare,
Gudiyatham - 2. ... Respondents

Writ petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 16.09.2014 in ref. Na.Ka.3066/1982 on the file of the 2nd respondent and quash the same and consequently, direct the 2nd respondent to pass orders after issuing notice of hearing and affording personal hearing to the petitioner for reclassification of the lands in S.No.366/3B and 366/4B and S.No.366/3A and 366/4A situate at Chenguttai Village, Katpadi Taluk, Vellore District, for recording the name of the petitioner as the land owner in the revenue records.

For Petitioners : Mrs.Vasudha Thiagarajan
(both)

For Respondents : Mr.D.Suriyanarayanan,
(both) Additional Government Pleader

COMMON ORDER

The petitioners are aggrieved against the order of the second respondent dated 16.09.2014. Consequently, they seek for a direction to the 2nd respondent to pass orders after issuing notice of hearing to the petitioners for considering the re-classification of the lands in S.Nos.366/3B, 366/4B, S.No.366/3A and 366/4A situate at Chenguttai Village, Katpadi Taluk, Vellore District.

2. It is the case of the petitioners that since the land acquisition proceedings initiated against the subject matter land was quashed by this Court in W.P.Nos.4941/1985 on 23.09.1994, the classification of land as found in the revenue records has to be altered in accordance with the present state of affairs with regard to the title over the said property, which according to the petitioners vests on them. The petitioners earlier filed writ petitions before this Court in W.P.Nos.13447 and 13448 of 2013 for a Mandamus directing the 2nd respondent to reclassify the lands. An order came to be passed in the said writ petitions on 04.09.2013 directing the 2nd respondent to conduct enquiry and pass orders after affording an opportunity of hearing to the petitioners. Thereafter the present impugned order was passed rejecting the request of the petitioners.

3. The only grievance of the petitioners before this Court is that the notice of hearing sent by the 2nd respondent was not at all served on the petitioners as admitted in the impugned order itself and therefore, the petitioners must be given an opportunity of hearing once again.

4. Learned Additional Government Pleader appearing for the respondents submitted that the notice sent to the petitioners was returned unserved by stating that no such person is available in the said address.

5. Upon hearing the learned counsels appearing on either side and considering the fact that the impugned order was passed without hearing the petitioners, this Court is of the view that the petitioners must be given one more opportunity to put forth their case before the 2nd respondent. Since the notice sent to the petitioners was returned unserved earlier, the impugned order itself can be treated as a notice issued to the petitioners. Accordingly, the following order is passed:

(a) The Writ Petition is allowed and the impugned orders are set aside. Consequently, the respondents are directed to treat the impugned order itself as a notice issued on the petitioners.

(b) The petitioners will appear before the 2nd respondent on 14.03.2018, on which date, the 2nd respondent will hear the petitioners and pass the final order on merits and in accordance with law within a period of eight weeks thereafter.

(c) If the petitioners fail to appear on 14.03.2018, it is open

to the 2nd respondent to pass final order without adjourning the matter any further.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

vsi

To

1. The Secretary to Government,
Adi-Dravidar & Tribal Welfare
Department, Fort St.George, Chennai - 600 009.
2. The Special Tahsildar,
Adi Dravidar Welfare, Gudiyatham - 2.

+1cc to Mr.R.Thiyagarajan, Advocate SR.No.16511
+1cc to Government Pleader SR.No.16691

W.P.Nos.29256 & 29257 of 2014

RSY(CO)
GN(05/03/2018)

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