

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13759 of 2018

and

W.M.P.No.16231 of 2018

1.P.Chellan

2.P.Arjunan

3.P.Ramu

4.P.Rajendran

... Petitioners

Versus

1.The District Revenue Officer
Kallakurichi

2.The Revenue Divisional Officer
Kallakurichi

3.The Tahsildar
Kallakurichi Taluk

4.A.Kaliyaperumal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records of the 1st respondent pertaining to the proceedings in Pa.Mu.A3/35032/2017 dated 09.03.2018 & quash the same.

For Petitioners

:: Mr.P.Vallippan

For Respondents

:: Mrs.A.Sri Jayanthi for R1 to R3
Special Government Pleader

Mr.R.Neelakandan

For Mr.P.Rajavel for R4

O R D E R

The order passed by the District Revenue Officer / first respondent in proceedings dated 09.03.2018 is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that pursuant to the directions issued by this Court in W.P.No.8607 of 2017, the District Revenue Officer had undertaken the process of enquiry. However, no enquiry was conducted by hearing all the parties. In fact, the 1st respondent had not considered the grounds raised by the respective parties and made a finding in respect of the grounds raised by the writ petitioner. The 1st respondent had extracted the report and held that the 4th respondent is entitled for the relief and rejected the claim of the writ petitioner.

3.The learned counsel appearing on behalf of the 4th respondent states that the writ petitioner also filed his written statement before the 1st respondent and therefore, the 1st respondent had considered the contents raised by the respective parties at the time of conducting the enquiry. The reports submitted by the Taluk Deputy Inspector also had been considered by the 1st respondent.

4.This Court is of an opinion that whenever such a quasi judicial functions are exercised by the competent authorities, it is necessary that all the parties are to be heard and the findings in this regard to be recorded in the final order, if any passed. In the present case on hand, though the written statement was filed, there is no such finding in respect of the grounds raised by the writ petitioner and therefore, it is necessary that the 1st respondent should reconsider the entire issue and appreciate the merits and the demerits of the contentions raised by the respective parties and thereafter, pass a speaking order with reference to the grounds raised by the parties.

5.This being the principles to be followed, the present writ petition is a fit case for remand. Accordingly, the order impugned passed by the 1st respondent in proceedings in Pa.Mu.A3/35032/2017 dated 09.03.2018 is quashed. The 1st respondent is directed to take the appeal on file, and hear all the parties with reference to the grounds raised by the respective parties and thereafter, pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Revenue Officer
Kallakurichi

2.The Revenue Divisional Officer
Kallakurichi

3.The Tahsildar
Kallakurichi Taluk

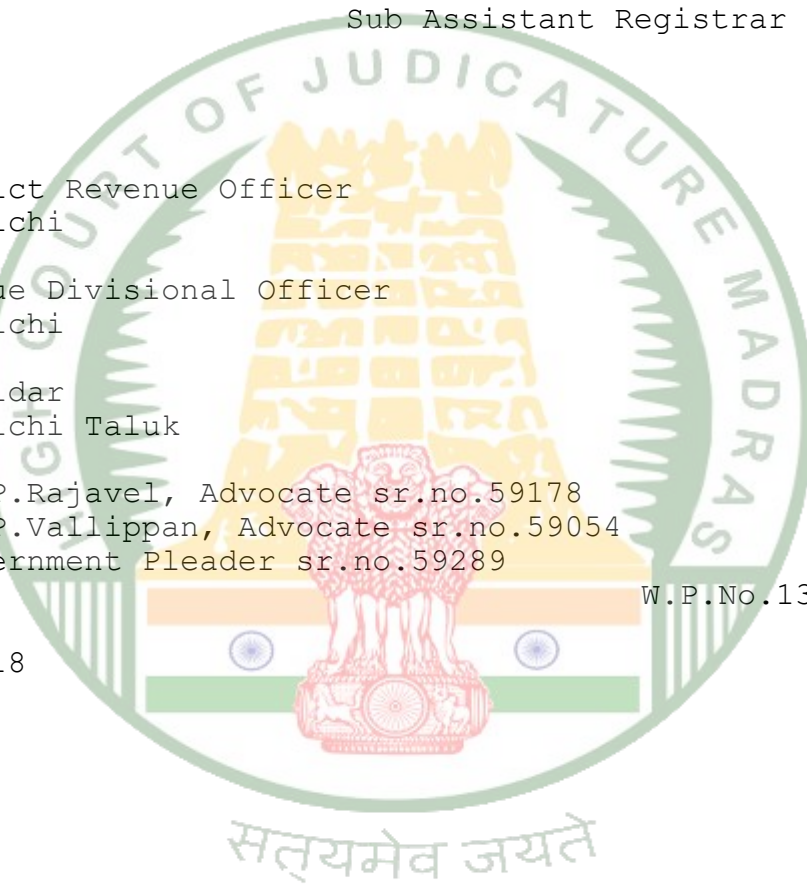
+1cc to Mr.P.Rajavel, Advocate sr.no.59178

+1cc to Mr.P.Vallippan, Advocate sr.no.59054

+1cc to Government Pleader sr.no.59289

W.P.No.13759 of 2018

nr 24/09/2018



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