

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7010 of 2014

1.Banumathi
2.C.Selvamani @ Selvarani
3.N.Chennakesavan
4.B.Bharathi Sethu

... Petitioners

vs.

1. The Revenue Divisional Officer,
Ponneri, Tiruvallur District.
2. The Tahsildar,
Ponneri, Tiruvallur District.
3. V.S.Pattammal
4. Gnanamani

... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus calling for the records pertaining the impugned order in Na.Ka.No.1645/2012/A1 dt. 28.05.2012 passed by the 1st respondent and quash the same, consequently direct the 1st respondent to conduct fresh enquiry as to grant of patta after hearing the petitioners and to consider their claim based on their title deeds, within a reasonable time to be fixed by this Court.

For Petitioners: M/s.N.Sreenivasalu

For Respondents: Mr.R.S.Selvam for R.1 and R.2
Government Advocate

: R.3 - Dismissed vide Court order dt.
01.10.2015

: R.4 - No appearance

O R D E R

The relief sought for in the present writ petition is to call for the records pertaining to the order impugned dated 28.05.2012 passed by the 1st respondent, quash the same and direct the 1st respondent to conduct fresh enquiry as to grant of patta after hearing the petitioners and to consider their claim based on their title deeds and other documents.

2. The learned counsel appearing on behalf of the writ petitioner states that the 1st respondent Revenue Divisional Officer, Ponneri passed an impugned order in proceeding dated 28.05.2012 without even hearing the writ petitioner. The grievances of the writ petitioner is that she is the owner of the property and possessing the documents in relation to the title. This being the factum, the 1st respondent had concluded the enquiry without verifying the documents and without providing any opportunity to the writ petitioner to submit her explanation/objections in respect of the grant of patta.

3. The Learned Government Advocate is unable to provide any convincing reason for not filing counter affidavit for the past about 5 years. The official respondents on receipt of Rule Nissi notice of the High Court is bound to file counter affidavit setting out the facts and details within the reasonable point of time. In view of the fact that no counter affidavit is filed, this Court is of an opinion that, the ground raised by the writ petitioner that the impugned order was passed without providing any opportunity is to be considered.

4. This being the factum of the case, the order impugned passed by the Revenue Divisional Officer, Ponneri in proceeding No. Na.Ka.No.1645/2012/A1 dated 28.05.2012 is quashed. The matter is remanded back to the 1st respondent for reconsideration and pass orders on merits and in accordance with law by affording opportunity to all the parties concerned including the writ petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

5. Accordingly the writ petition stands allowed. No Costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pkn

To

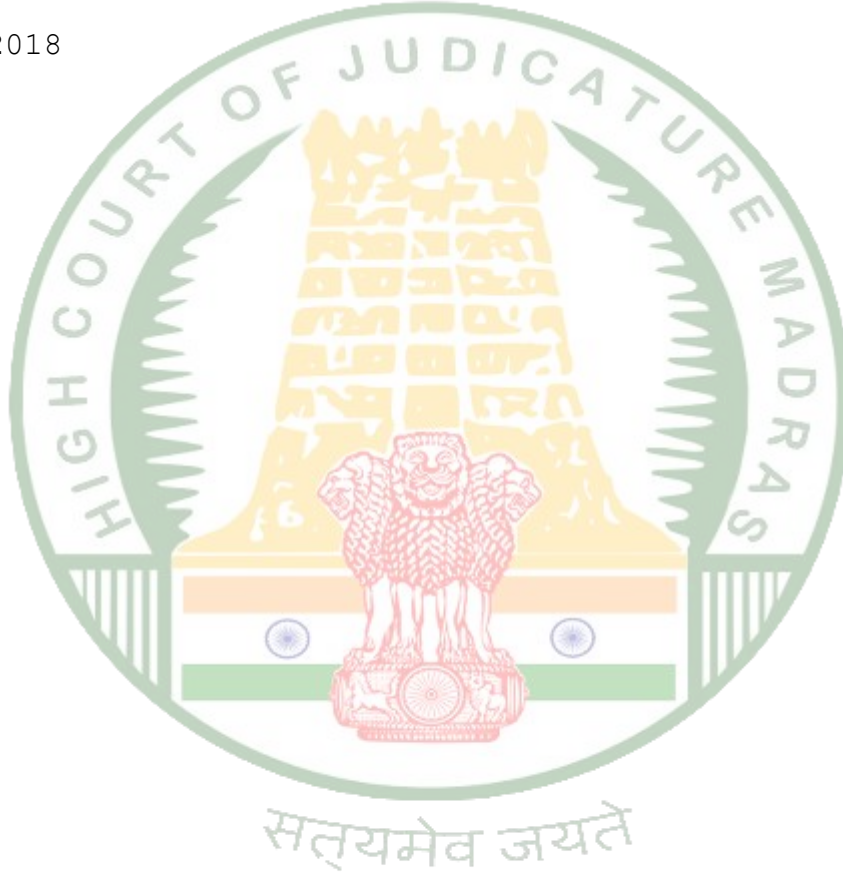
1.The Revenue Divisional Officer,
Ponneri, Tiruvallur District.

2.The Tahsildar,
Ponneri, Tiruvallur District.

+1cc to M/s.N.Sreenivasalu, Advocate, S.R.No.75791

W.P.No.7010 of 2014

RJI (Co)
CS/04/12/2018



WEB COPY