

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.4618 of 2009 and
M.P.No.1 of 2009

- 1.Lakshmi
- 2.Malliammal
- 3.Kanniammal
- 4.Balakannan
- 5.Dhanapal
- 6.Rajendran
- 7.Nirmala

...Petitioners

Vs

- 1.The District Revenue Officer,
Villupuram District,
Villupuram.
- 2.The Revenue Divisional Officer,
Tirukovilur, Villupuram District.
- 3.The Tahsildar,
Ulundurpet Taluk,
Villupuram District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records on the file of the 1st respondent in his proceedings A3/T.R.R.P.No.5/2006 dated 03.03.2009 in confirming the proceedings of the 2nd respondent in Mu.Mu.A.3.No.175/2001 dated 27.10.2005.

For Petitioner : Mr.V.Raghavachari

For R1 - R3 : Mr.B.Anand, GA

ORDER

Heard Mr.V.Raghavachari, learned counsel for the petitioner, Mr.B.Anand, learned Government Advocate appearing for the respondents 1 to e and perused the materials available on record.

2.This writ petition has been filed for an issuance of writ of Certiorari to call for the records on the file of the first respondent in his proceedings No.A3/T.R.R.P.No.5/2006 dated 03.03.2009 in confirming the proceedings of the second respondent in Mu.Mu.A.3.175/2001 dated 27.10.2005 and quash the same.

3. The petitioners would claim that their ancestors were enjoying the properties in S.No.73/1 situated at Vadamampakkam Village, Ulundurpet Taluk for time immemorial. It is further stated that the fifth petitioner's father viz., Kesava Gounder was paying the electricity bills, Kist, etc., to the property from the year 1981. In fact, he acquired the electricity service connection in the year 1979 itself.

4. The petitioner would state that the third respondent in his proceedings dated 30.06.1995 has assigned the properties in S.Nos.73/6, 73/7, 73/8, 73/9, 73/10, 73/11 and 73/12 in favour of the petitioners herein. The grievance of the petitioners is that the second respondent without issuing any notice and conducting enquiry, cancelled the assignment made in favour of the petitioners. Aggrieved by the order of the second respondent, the petitioners filed an appeal before the first respondent and the first respondent also confirmed the order of the second respondent. Challenging the said order, the present Writ Petition has been filed.

5. The learned counsel appearing for the petitioners would state that the orders impugned in this writ petition are liable to be set aside on the sole ground of violation of principles of natural justice. Further, according to the learned counsel for the petitioners, some complaints have been made against the petitioners before the second respondent for cancellation of the assignment made in favour of the petitioners. But, the Respondents 1 and 2, without conducting any enquiry on the complaints in a proper perspective has cancelled the assignment made in favour of the petitioners. Accordingly, he prayed to allow this Writ Petition.

6. Mr.B.Anand, the learned Government Advocate, appearing for the respondents, by referring the counter affidavit filed by the third respondent would state that the petitioners were not in possession of the property and the impugned order was passed after issuance of the notice to the petitioners. Accordingly, he prayed to dismiss the Writ Petition.

7. On perusal of the orders impugned in this writ petition, it would show that the assignment was cancelled without issuing any notice to the petitioners. Though the

learned Government Advocate appearing for the respondents would submit that the orders came to be passed after issuance of notice, no document has been produced to substantiate the same.

8. In the light of the above, the orders impugned in the writ petition are liable to be set aside and the same is remanded back to the second respondent for fresh consideration and the second respondent after issuing notice to the petitioners, shall pass orders afresh on merits and in accordance with law.

9. With the above directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To

- 1.The District Revenue Officer,
Villupuram District,
Villupuram.
- 2.The Revenue Divisional Officer,
Tirukovilur, Villupuram District.
- 3.The Tahsildar,
Ulundurpet Taluk,
Villupuram District.

+1cc to Mr.V.Raghavachari, Advocate SR.No.70291

+1cc to Government Pleader SR.No.71172

W.P.No.4618 of 2009
and
M.P.No.1 of 2009

LN(CO)
GMY(11/10/2019)