

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.08.2019
CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. No.9607 of 2010
and
M.P.Nos.1 and 2 of 2010

M.Murugan

..Petitioner

Vs.

1.The District Collector,
Krishnagiri,
Krishnagiri District.

2.The District Revenue Officer,
Krishnagiri,
Krishnagiri District

3.The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

4.The Panchayat Union Commissioner,
Kelamangalam,
Denkanikottai Taluk,
Krishnagiri District.

... Respondents

Prayer: The Writ Petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ of Certiorarified Mandamus to call for the records connected with the impugned order of the 3rd respondent in Na.Ka.No.13266/1998 B1, dated 29.3.2010 and quash the same and direct the respondents to issue a patta infavour of the petitioner's family in Survey No.51/1, Rayakottai Village, Denkanikottai Taluk, Krishnagiri District.

For Petitioner : Mr.G.Elanchezhiyan

For Respondents : Mr.B.Anand

(Government Advocate) for R1 to R3

Ms. K.Bhuvaneswari for R4

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the order of the 3rd respondent dated 29.03.2010 and to direct the respondents to issue a patta in favour of the petitioner's family in Survey No.51/1, Rayakottai Village, Denkanikottai Taluk, Krishnagiri District.

2.Mr.G.Elanchezhiyan learned counsel for the petitioner would submit that despite the order of this Court in W.P.No.5364 of 2009, the impugned order has been passed without affording opportunity to the petitioner. According to the learned counsel for the petitioner, the petitioner is entitled to get the patta in respect of the land in dispute.

3.Mr.B.Anand learned Government Advocate for the respondents 1 to 3 would submit that the land was changed as kuttai and also classified as poramboke.

4. In the earlier order W.P.No.5364 dated 08.12.2009 this Court has observed as follows:

"Admittedly, when this Court has given a direction to the District Collector to consider and pass orders after giving reasonable opportunity to the petitioner within a period of 4 weeks from the date of receipt of a copy of this order, the same was not admittedly followed. However, the petitioner was constrained to file another Writ Petition on 24.10.2008. If the their respondent, Tahsildar has passed the present impugned order after giving an opportunity to the petitioner herein, the petitioner could have produced the relevant documents to prove his case that as his Great Grand Father has purchased the said land on 02.12.1909 through the sale deed executed by the Tahsildar. Since the third respondent has not given a reasonable opportunity to the petitioner, the present impugned order has been wrongly passed. Therefore, on the ground that the third respondent has passed an order without giving a reasonable opportunity to the petitioner, this Court is inclined to set aside the impugned order and accordingly the same is set aside. However, while setting aside the impugned order, the matter is remanded back to the third respondent to consider and pass fresh order only after giving a reasonable opportunity to the petitioner herein and such orders shall be passed within a period of four weeks from the date of receipt of a copy of this order."

5.In the case on hand, despite the order of this Court referred above, the order impugned came to be passed without affording an opportunity of personal hearing. Hence, this Court is inclined to set aside the order of the 3rd respondent dated 29.03.2010, impugned in this petition and the same is remanded back to the third respondent. The third respondent shall

consider the representation of the petitioner afresh and pass orders on the same after affording opportunity of hearing to the necessary parties and in accordance with law.

6.With the above direction , this Writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Krishnagiri,
Krishnagiri District.
- 2.The District Revenue Officer,
Krishnagiri,
Krishnagiri District
- 3.The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.
- 4.The Panchayat Union Commissioner,
Kelamangalam, Denkanikottai Taluk,
Krishnagiri District.

+1 cc to M/s.G.Elanchezhian,Advocate Sr.No. 75159
+1 cc to M/s.K.Bhunvaneswari, Advocate Sr.No.75448
+1 cc to The Government Pleader Sr.No.75582

AKM/28.09.19/3P-8C /

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in
M.P.Nos.1 and 2 of 2010