

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.8946 of 2018
and
W.M.P.Nos. 10787 of 2018

1. R.Rajaveni
 2. R.Gengusamy
 3. R.Gunasekaran
- ...Petitioners

Vs.

1. The District Revenue Officer,
Tiruppur District,
Tiruppur.
2. The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.
3. The Thasildhar,
Udumalpet Taluk,
Tiruppur District.
4. G.Dasamuthu
5. V.Jothimani
6. T.Sankanarayanan
7. P.Jeevarathinam
8. V.Ranganathan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 2nd respondent in Na.Ka.No.282/2018/A2 dated 28.03.2018 and to quash the same and consequently direct the respondents 1 to 3 to restore the names of the petitioners in the revenue records including Patta, Chitta, Adangal etc., in respect of the land in

S.Nos.266/2, 267/2 and 268/2 Ponneri Village, Udumalpet Taluk, Tiruppur District to an extent of 16.86 acres.

For Petitioners : Mr.P.Wilson, Senior Counsel
for Mr.G.Sankaran

For Respondents : Mr.A.Kumar,
Additional Advocate General
assisted by Mr.E.Balamurugan
Special Government Pleader
for R1 to R3
Mr.S.Parthasarathy,
Senior Counsel
for M/s.S.Raj Makeash
for R4 to R6.
Mr.N.Senthil Kumar for R7
No appearance for R8

ORDER

The petitioners are aggrieved against the order of the 2nd respondent dated 28.03.2018, wherein and whereby, the 2nd respondent directed the 3rd respondent Tahsildar to make arrangements, with consultation of the police, for the persons, in whose name the patta stands, to enter into the subject matter land. The respondents 4 to 8 are the persons in whose name the patta was transferred by deleting the names of the petitioners.

2. The grievance of the petitioners before this Court is that the impugned order was passed by the 2nd respondent without following the principles of natural justice as the petitioners were not given any notice before passing the impugned order.

3. On the other hand, the learned senior counsel appearing for the private respondents submitted that the statements were recorded from the petitioners at the time of enquiry and therefore, they cannot contend that they have not been heard.

4. Perusal of the impugned order would show that the same was passed, based on the representation/application given by the 4th respondent. Further perusal of the said order would show that it does not indicate anywhere as to whether these petitioners were put on notice and consequently, they have been heard. Since there is a dispute between the parties with regard to the grant of patta in respect of the subject matter property, this Court is of the view that before passing the impugned order, the 2nd respondent ought to have heard all the interested persons including the petitioners. At the same time, this Court is not expressing any view on the rival contentions of the parties with regard to their right to retain the patta in their

respective names as it is for the Revenue officials, more particularly, the 2nd respondent, before whom the matter is pending, has to consider afresh.

5. Accordingly, this Court is inclined to set aside the impugned order only on the ground of violation of principles of natural justice and remit the matter back to the 2nd respondent for passing fresh order on merits and in accordance with law after hearing both the parties. Needless to say that it is for the respective parties to place their respective submissions before the 2nd respondent, who in turn shall pass fresh order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after due enquiry as stated supra. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Revenue Officer,
Tiruppur District, Tiruppur.
2. The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.
3. The Thasildhar,
Udumalpet Taluk,
Tiruppur District.

+1 cc to Mr.G.Sankaran, Advocate Sr.No.19107
+2 cc's to Mr.S.Rajmakesh, Advocate Sr.No.19578
+1 cc to Mr.N.Senthil Kumar, Advocate Sr.No.18818

W.P.No.8946 of 2018

EV(CO)
CSL/05.03.2019