IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.9783 of 2018
and
W.M.P.No.11726 of 2018

R.Priya .. Petitioner

Vs.

1. The District Revenue Officer,
   Thiruvallur District,
   Thiruvallur.

2. The Revenue Divisional Officer,
   Tiruttani Division,
   Tiruttani.

3. The Tahsildar,
   Pallipattu Taluk,
   Pallipattu.

4. Amulu
5. N.Krishnan
6. S.Gokul
7. Sriramulu
8. S.Satishbabu
9. V.Srinivasan
10. Santhammal
11. Suguna
12. Vasu
13. Sugalakshmi
14. Pushpa
15. Rosy
16. Venkatesan

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling upon the records relating to the proceedings in Rc.No.18456/2016(B3) on the file of the first respondent dated 28.04.2017 and quash the same.

For Petitioner : Mr.C.Kasirajan
For RR1 to 3 : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The Writ Petition is filed challenging the proceedings in Rc.No.18456/2016(B3) on the file of the first respondent dated 28.04.2017 and quash the same.

2. Earlier, a Writ Petition in W.P.No.28536 of 2017 was filed to dispose of the appeal dated 09.08.2016 challenging the order passed on 18.07.2016 by the Revenue Divisional Officer, Tiruttani/second respondent in respect of the property mentioned therein in Pallipattu Taluk and the said writ petition was filed by one Santhammal. While disposing of the said writ petition, this Court had specifically directed the respondents to pass orders on merits in the appeal in accordance with law only after giving due opportunity of hearing to all the parties concerned. However, in the impugned order dated 28.04.2017 passed by the District Revenue Officer, Tiruvallur/first respondent, it is stated that no assignees appeared for an enquiry despite issuance of notices to them.

3. Heard, the learned counsel appearing on both sides.

4. It is submitted by the learned counsel appearing for the petitioner that contrary to the order passed in W.P.No.28536 of 2017 dated 08.11.2017, without sending any notice of enquiry, the impugned order was passed.

5. Though a counter affidavit is filed, there is no reference given to the earlier order passed by this Court and also the service of notice on the petitioner and others about the cancellation of the assignment. The order seems to have been passed based on the report of the third respondent-Tahsildar, Pallippattu, stating that the lands are lying as waste without even inspecting the land in person at any point of time. The second respondent also had held that the assignees had sold the lands within 10 years of assignment. As per RSO 15(12)(3), the period prescribed is 10 years. In fact, the assignees had sold the lands to the petitioner only in the year 2013, which is almost 14 years after the assignment. The impugned order dated 28.04.2017 was served on the petitioners only on 17.03.2018 i.e., nearly after one year from the date of passing of the order that too without any notice to them.

6. As there is no records produced to establish the service of notice on the petitioner pursuant to the order dated 08.11.2017, even without going into the merits of the same, the impugned order is liable to be set aside and the matter is to be

remitted back to the District Revenue Officer to consider the same afresh and pass appropriate orders on merits. Accordingly, the impugned order dated 28.04.2017 is set aside and the matter is remitted back to the District Revenue Officer/first respondent. The first respondent is directed to give notice to all the parties connected to the proceedings and afford them an opportunity of personal hearing and record their objections, either in writing or oral objections, then consider the same on merits and pass appropriate orders on merits and in accordance with law. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

8. Post 'For Compliance' on 11.03.2018.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
   Thiruvallur District,
   Thiruvallur.

2. The Revenue Divisional Officer,
   Tiruttani Division,
   Tiruttani.

3. The Tahsildar,
   Pallipattu Taluk,
   Pallipattu.

+1cc to Mr.C.Kasi Rajan, Advocate, S.R.No.6400

+1cc to the Government Pleader, S.R.No.7569

W.P. No.9783 of 2018
and
W.M.P.No.11726 of 2018

NRL(CO)
GSP(13/02/2019)