

W.M.P.No.29526 of 2019
in W.P.No.32311 of 2015

K.KALYANASUNDARAM, J

This petition has been filed to recall the order dated 09.08.2019 passed in W.P.No.32311 of 2015.

2.The petitioners are the respondents 4 and 5 in the above writ petition.

3.Mr.A.Palaniappan, learned counsel for the petitioners herein would submit that the vendor Killiammal was not the owner of the property and the sale was made based on the legal heirship certificate issued by the Village Administrative Officer. It is further contended that the said Killiammal instituted a suit in O.S.No.880 of 1987 for declaration of title and the same was dismissed for non-prosecution. Subsequently, the application filed to restore the same was also dismissed and the order was confirmed in C.R.P.No.695 of 2001, however suppressing all these entire facts, the first respondent has obtained an order in the writ petition.

3.It is further submitted that the impugned order came to be passed after providing ample opportunity to the writ petitioner, which was also not stated in the writ petition.

K.KALYANASUNDARAM.,J

cse

4.Per contra, Mr.Umashankar, learned counsel for the first respondent/writ petitioner would argue that the impugned order in the writ petition was passed without providing any opportunity and hence, this Court has rightly set aside the order and the matter was remanded back to the Sub Collector, Tiruvallur and the if the petitioners are having any right over the property, they can very well participate in the enquiry proceedings.

5.This Court on perusal of the impugned order came to the conclusion that no opportunity was provided before cancelling the patta issued in favour of the writ petitioner as nothing was mentioned in the order. Hence no ground is made out to recall the order. Accordingly, this petition is disposed of by directing the petitioners to participate in the enquiry proceedings before the Sub Collector, Tiruvallur, which shall be considered by the Sub Collector, Tiruvallur in accordance with law.

सत्यमेव जयते

07.11.2019

cse

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