IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2019

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3567 of 2019
and C.M.P.No.22911 of 2019

1.The District Collector,
Coimbatore.

2.The Special Tahsildar (ADW),
Pollachi. .. Appellants

-vs-

Mariappa Gounder .. Respondent

Appeal filed under Clause 15 of the Letters Patent against the order dated 08.03.2004 passed in W.P.No.4042 of 1997 on the file of this Court.

Prayer in W.P.No.4042/1997:
Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari to call for the records relating to the Proceedings dated 10.01.1997 initiated under the State Act viz Tamil Nadu Act 31 of 1970 for provision of House sites for the Adi Dravidar.

For Appellant : Mr.V.Jayaprakash Narayanan
Govt. Pleader

JUDGMENT
(Judgment of the Court was delivered by The Hon'ble Chief Justice)

We have heard the learned Government Pleader appearing for the appellant at length and perused the impugned order. The finding recorded in paragraph 7 of the impugned order is that there was a non-consideration by the concerned authority while passing the order which virtually affected the rights of the respondent/writ petitioner and therefore, the order was liable to be set aside on this ground alone.

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2.We fully endorse the view taken by the learned Single Judge inasmuch as it is well settled that if an order is perverse either by virtue of non-consideration of relevant material or by virtue of consideration of irrelevant material, the same can be termed as perverse. Accordingly, the conclusion drawn does not suffer from any legal infirmity. We are not inclined to interfere with the discretion exercised by the learned Single Judge in this appeal, more so, when the learned Single Judge has given liberty to the authorities to proceed afresh in accordance with law.

The Writ Appeal is, accordingly, dismissed. Consequently, C.M.P.No.22911 of 2019 is also dismissed. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

sra

To

1.The District Collector,
Coimbatore.

2.The Special Tahsildar (ADW),
Pollachi.

+1 CC to The Govt. Pleader sr 94653.

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