

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23117 of 2004

and

WMP.No.27962 of 2004

Mohammed Abdul Hadi Basha

...Petitioner

-vs-

1. The District Revenue Officer,
Tiruvallur, Tiruvallur District.
 2. The Revenue Divisional Officer,
Ponneri, Tiruvallur District.
 3. The Tahsildar,
Ambattur Taluk, Tiruvallur District.
 4. M/s. Buhari Metal Fabrications Pvt Ltd.,
Rep. by its Director,
Mr.S.K.M. Junaid Yeseen,
5, Moors Road, Chennai - 6.
 5. M/s. Electro Static Colour Coaling Pvt Ltd.,
Rep. by its Director,
Mr. Khalid A. K. Buhari,
5, Moor Road, Chennai - 6.
 6. M/s. Mount Brick Industries,
Rep. by its Managing Partner Junaid Yeseen,
28 -A, Khadar Navas Khan Road,
Chennai - 6.
 7. Sheik Meenal
 8. Noorullah
 9. Sithika Alia
 10. Pasith
- ...Respondents

PRAYER : Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the 1st respondent herein in Na.Ka.No.P3/1683/01 dated 26.03.2003 reversing the order of the 2nd respondent in Na.Ka.No.A2/8070/2000 dated 20.03.2001.

For Petitioner : Mr.Jeremiah

For Respondents: Mr.K.S. Suresh

Government Advocate [R1 to R3]

ORDER

Heard Mr.Jeremiah, learned counsel for the petitioner and Mr.K.S. Suresh, learned Government Advocate for the respondents 1 to 3.

2. With the consent of learned counsel on either side, this writ petition itself is taken up for final disposal.

3. The petitioner has challenged the order passed by the 1st respondent dated 26.03.20003 reversing the order passed by the 2nd respondent, by which, the name of the petitioner was included as a joint patathar, who claims title to the property pursuant to a settlement deed executed in favour of the petitioner. The respondents 7 to 10 claim to purchase the property through a Court auction.

4. The private respondents filed revision petition before the 1st respondent, the 1st respondent without issuing notice to the petitioner by merely referring to a legal opinion of the Government Advocate dated 20.03.2003, allowed the revision petition and set aside the order passed by the 2nd respondent. The procedure adopted by the 1st respondent is wholly erroneous. That apart, no independent reasons were assigned by the 1st respondent while passing the impugned order. These are sufficient to hold that the impugned order is bad in law.

5. Further, it is seen that when the writ petition was entertained, an order of interim stay was granted on 06.10.2004, therefore, the impugned order was not implemented.

6. For the above reasons, the writ petition is allowed and the impugned order is set aside and the matter is remanded to the 1st respondent for fresh consideration, who shall issue notice to the petitioner as well as the respondents 7 to 10 affording them an opportunity of personal hearing, take a thorough enquiry and pass fresh order on merits and in accordance with law. No costs. Connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Tiruvallur, Tiruvallur District.

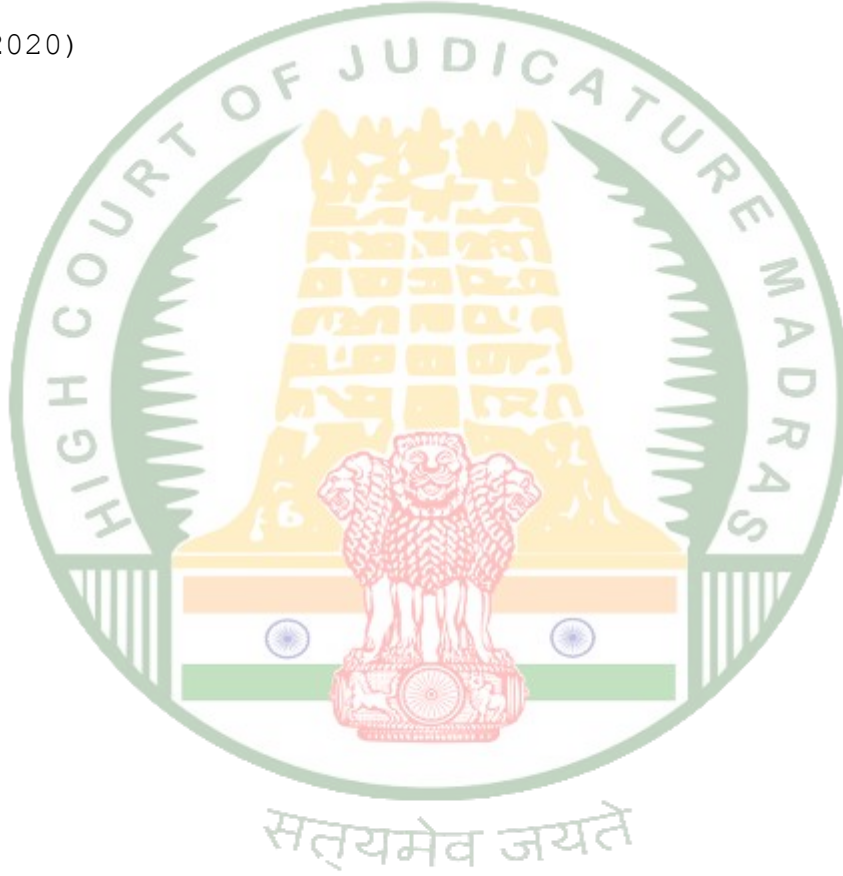
2. The Revenue Divisional Officer,
Ponneri, Tiruvallur District.

3. The Tahsildar,
Ambattur Taluk, Tiruvallur District.

+1cc to the Government Pleader, S.R.No. 19266

W.P.No.23117 of 2004

SSI (CO)
GN(06/08/2020)



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