

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.780 of 2021

M.Navamani

.. Petitioner

Vs.

The Commissioner of Land Administration
Office of the Commissioner of Land Administration
Ezhilagam, Chepauk
Chennai - 600 005.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to afford an opportunity of personal hearing before disposing the petition dated 09.08.2011 filed by N.Maduli Gowder.

For Petitioner : Mr.J.Ravindran

For Respondent: Mr.E.Balamurugan

Special Government Pleader

ORDER

The petitioner's father by name N.Madali Gowder, who now deceased, was running a Transport business in the name and style of M/s.Nilgiris Motor Transport Pvt. Ltd., since 1952 in the property leased out by the Revenue vide lease deed dated 1.07.1952. Due to nationalisation of bus route, the Transport business could not be carried on and thereafter, the said property was assigned in his father's name in the year 1973, and since then, his family has been in absolute possession of the same. Be that as it may, a show cause notice dated 13.03.2004 came to be issued alleging that the conditions of lease were violated by N.Madali Gowder. This was challenged in W.P.No.13975 of 2004, and that came to be disposed of with a direction to the petitioner therein to offer explanation to the District Collector. However, the District Collector vide his order dated 03.01.2006 cancelled the assignment and hence, yet another petition in W.P.No.1426 of 2006 was preferred by the petitioner's father and this came to be allowed, granting to offer alternate remedy to the petitioner and also restraining the revenue authorities from taking further action. Thereafter, on 09.8.2011, a revision was preferred before the respondent by the petitioner's father and no action was taken by the

respondent till date. In the meantime, the petitioner's father had passed away on 24.10.2019. After a lapse of nine years of filing the revision, the petitioner received a letter from the respondent to appear for enquiry on 29.12.2020, however, that enquiry too did not take place as stipulated. Hence, the petitioner is now before this Court to dispose of the revision filed by her father on 09.08.2011, which is still pending on the file of the respondent.

2. Heard the learned counsel for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader for the respondent. The learned Government Advocate on instructions submitted that an enquiry was scheduled to take place at 3.00 p.m., on 02.02.2021 in the office of the respondent. He also produced a copy of the hearing notice dated 18.01.2021, addressed to the petitioner's father through his Counsel, intimating the date for personal hearing. The statement of the learned Special Government Pleader is recorded.

3. Inasmuch as a date for enquiry is fixed by the respondent, no direction is required to be given except that the respondent is directed to hold an enquiry after issuing notices to all the parties who are likely to be affected by his decision, and after providing the parties a fair and effective hearing and to dispose the matter through a speaking order within a period of eight(8) weeks from 02.02.2021. The petitioner is now required to appear before the concerned authority on the date fixed for the enquiry.

4. The writ petition is disposed of accordingly. No costs.

5. Post the matter for reporting compliance on 31.03.2021.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

The Commissioner of Land Administration
Office of the Commissioner of Land Administration
Ezhilagam, Chepauk
Chennai - 600 005.

+lcc to M/s.M.Sankar, Advocate, sr no.2352

+lcc to The Government Pleader, sr no.2758

W.P.No.780 of 2021

AJS (DO)

RMP (26/02/2021)