



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.13626 OF 2017

1. M.Malle Gowda
2. M.Logesh
3. M.Jegadeesan
4. M.Nagabhushanam
5. M.Chandrappa

... Petitioners

Vs

1. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

2. Mallesh
3. Arulappa

... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 28.03.2017 passed in Pa.Mu.No.19488/2016/J-2 on the file of the first respondent and quash the same and direct the first respondent herein to re-hear the matter by affording an opportunity of hearing to the petitioners.

For Petitioners	:	Mr.K.Govi Ganesan
For Respondents	:	Mr.P.Baladhandayutham Special Government Pleader (for R1)
	:	Mr.R.Jayaprakash (for R2)
	:	No Appearance (for R3)



ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings dated 28.03.2017 passed in Pa.Mu.No.19488/2016/J-2 on the file of the first respondent, quash the same and direct the first respondent herein to re-hear the matter by affording an opportunity of hearing to the petitioners.

2. The second respondent filed an application before the first respondent to correct UDR in respect of the land comprised in S.Nos.326, 327 and 328 situated at Settipalli Village, Denkanikottai, Krishnagiri District. It was not considered and as such, he also filed a Writ Petition before this Court in W.P.No.24127 of 2016, without impleading the petitioners whose name is found in the UDR. This Court in the said Writ Petition by order dated 14.07.2016, directed the first respondent therein to consider and dispose of the petitioner's representation dated 25.06.2016 on merits and in accordance with law, within a period of ten weeks. While pending the proceedings, the petitioners also filed a petition to implead themselves as party to the said proceedings, since already the property, belonged to them had stood in their name.

3. On a perusal of the impugned order, it reveals that the petitioners were not heard and for the reason that the entire dispute is civil in nature, the civil Court has to decide the issue as per law and as such, the question of impleading the petitioners does not arise. Hence, the petitioners were not given opportunity of hearing and also their impleading petition was not considered properly by the first respondent herein. Therefore, it amounts to clear violation of principles of natural justice and the impugned order cannot be sustained and it is liable to be quashed.

4. In view of the above discussion, the impugned proceedings dated 28.03.2017 is quashed. The matter is remanded back to the first respondent for fresh disposal. The first respondent is directed to issue notice to the petitioners and the respondents 2 and 3 herein and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



5. In the result, this Writ Petition is allowed as prayed for. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kv

To

The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.68020
+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.67682
+1cc to the Government Pleader, S.R.No.68297

W.P.No.13626 of 2017

RR(CO)
PM/25/01/2022