



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9372 of 2011

And

M.P.Nos.1 and 2 of 2011

S.Natarajan

... Petitioner

Vs.

1.The District Collector,
Cuddalore District.

2.The Tahsildar,
Cuddalore Taluk,
Cuddalore District.

3.K.L.Sivarasu

4.J.Sitaraman

5.C.Dhandapani

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the order of the second respondent dated 03.08.2010 in D.R.No.3/2010 and to quash the same as illegal and void.

For Petitioner : Mr.S.Anil Sandeep

For Respondents : Mr.G.Nanmaran for R1 and R2
Special Government Pleader
Mr.R.Manimuthu for R3 to R5

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Certiorari calling for the records of the order of the second respondent dated 03.08.2010 in D.R.No.3/2010 and to quash the same as illegal and void.

2.The case of the petitioner is that the land in S.Nos.157, 158 in Thiruvandhipuram Village, Cuddalore District was purchased by the petitioner from the third respondent vide sale deed dated 23.08.2007 registered as Document No.3255 of 2007 at



Joint Sub Registrar - II, Cuddalore and he is in possession and enjoyment of the same from the date of purchase. While so, the respondents 4 and 5 filed an application on 07.07.2010 before the second respondent seeking to register themselves as cultivating tenant in respect of the property under the Tamil Nadu Agricultural Lands Record of Tenancy Rights, 1969 and without conducting proper enquiry, the second respondent passed the impugned order dated 03.08.2010. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner purchased the property from the third respondent during the year 2007, however, the second respondent, without hearing the petitioner, passed the impugned order, which is not sustainable one and it is clear violation of principles of natural justice.

4.The learned counsel appearing for the respondents 3 to 5 fairly submitted that before passing the impugned order no opportunity was given to the petitioner. The learned counsel further submitted that the petitioner purchased only a small portion of the land belonging to the third respondent and the third respondent gave major portion of the land for lease to the respondents 4 and 5.

5.Since no opportunity of hearing was given to the petitioner before passing the impugned order, this Court is inclined to set aside the impugned order. The impugned order dated 03.08.2010 passed by the second respondent is hereby set aside and the matter is remanded back to the second respondent for fresh consideration. The second respondent is directed to consider the issue afresh and after providing opportunity to the petitioner as well as to the respondents 3 to 5 shall pass appropriate orders. Such exercise shall be completed by the second respondent within a period of three months from the date of receipt of a copy of this order.

6.The writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Cuddalore District.

2.The Tahsildar,
Cuddalore Taluk,
Cuddalore District.

+lcc to Mr.R.Manimuthu, Advocate, S.R.No.10627
+lcc to the Government Pleader, S.R.No.11564

W.P.No.9372 of 2011
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NK(CO)
SB(16/03/2022)