



W.A.Nos.1309 and 1314 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.Nos.1309 and 1314 of 2023

Selvarasu

.. Appellant in
W.A.No.1309 of 2023

Kaveriyammal

.. Appellant in
W.A.No.1314 of 2023

Vs

- 1.The District Collector,
The Office of District Collector,
Villupuram District,
Villupuram.
- 2.The Revenue Divisional Officer,
The Office of Revenue Divisional Officer,
Kallakurichi,
Villupuram District.
- 3.The Tahsildhar,
The Office of Tahsildhar,
Chinna Salem,
Villupuram District.



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4.The Block Development Officer,
Block Development Office (BDO),
Chinna Salem,
Villupuram Distirct.

5.The Addl. Block Development Officer (Addl. BDO),
Chinna Salem,
Villupuram District.

.. Respondents
in both WAs

Prayer: Appeals under Clause 15 of the Letters Patent against the common order dated 29.08.2022 passed by the learned Single Judge in W.P.Nos.41030 and 41031 of 2015.

For the Appellants : Mr.Naveenkumar Moorthy
for M/s.S.Varsha

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader

COMMON JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.Naveenkumar Moorthy, learned counsel for the appellants and Mr.P.Muthukumar, learned State Government



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Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. The appellants assail the order passed by the learned Single Judge only to the extent of giving liberty to the respondents to lay the road in Survey Nos.153/2C and 153/4B.

3. Learned counsel for the appellants submits that the learned Single Judge erroneously came to the conclusion that the lands in Survey Nos.153/2C and 153/4B are classified as Nilaviyal Pathai. According to learned counsel, the said lands are not Nilaviyal Pathai. Learned counsel relies upon the revenue extract to substantiate his case.

4. According to learned State Government Pleader, the lands in Survey Nos.153/2C and 153/4B are Nilaviyal Pathai. They are never re-classified and the classification of these lands stands as Nilaviyal Pathai.



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5. In fact, the learned Single Judge, while arriving at the conclusion that the lands in Survey Nos.153/2C and 153/4B are classified as Nilaviyal Pathai, has not discussed the same in detail, nor has considered the contentions of the counsel for the appellants. The documents placed on record were also not considered.

6. As the contentions of learned counsel for the appellants with regard to the classification of the lands in Survey Nos.153/2C and 153/4B were not considered by the learned Single Judge, we set aside the said part of the order.

7. The learned Single Judge has set aside the orders impugned before him on the ground that the same were passed without affording sufficient opportunity of personal hearing to the appellants. Paragraph 8 of the impugned order shall also meet the same fate.

8. In the light of that, the orders impugned before the learned



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Single Judge are set aside and the matter is remitted to the authority for consideration afresh. The appellants may place on record their stand and all the relevant documents to substantiate their case.

9. The writ appeals are, accordingly, disposed of. There will be no order as to costs. Consequently, C.M.P.No.12960, 12962 and 12974 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

09.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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