



W.P.No.495 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.495 of 2023
and W.M.P.No.453 of 2023

1.G.Ramesh Babu
2.G.R.Srinivasan
3.S.R.Natarajan

.... Petitioners

-Vs-

1.The Sub Collector
Office of the Sub-Collector
Ponneri.

2.The Tahsildar
Ponneri.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to the notice issued in R.C.No.3553/2021/A4 dated 23.12.2022 by the first respondent authority and quash the same as the same is against all cannons of law.

For Petitioner : Mr.J.Nagarajan

For Respondents : Mrs.N.Senthil Selvi
Government Advocate

ORDER

In respect of Old Survey.No.928, New Survey No.1034/1,2,3, Arani-2 Village, Ponneri Taluk, Tiruvallur District, it is the claim of the petitioners that, the



W.P.No.495 of 2023

land belongs to them and the patta also had been issued in the name of the petitioners 1 and 2 and one Sarojammal and one Rajendran, whose legal heir is the 3rd petitioner herein.

2. Since the Government wanted to establish a bus terminus, they wanted to take the said land, which according to the Revenue Department is a Government Poramboke land, however, in the village 'A' Register, it has been wrongly mentioned as Village Natham land and patta has been issued in the name of the petitioners in Patta Nos.823, 824 and 849. Therefore, in order to have an enquiry to that effect and to decide whether the land in question belongs to the petitioners or the Government, the 2nd respondent / Tahsildar had issued a notice to the petitioners 1 and 2 and one Sarojammal, on 03.09.2022 fixing the date of hearing on 06.09.2022. On that date, the petitioners 1 and 2 had appeared before the 2nd respondent and by producing the documents in favour of the petitioners claimed that the land in question belongs to them and therefore the patta standing in the name of the petitioners shall not be changed and the proposal given by the Revenue Department to take up the land as if it is a Government land for the purpose of establishing a bus terminus shall be given up. However, since no orders have been passed by the 2nd respondent, and further another notice, this time from the 1st respondent Sub-Collector dated 23.12.2022 was issued wherein the 1st respondent has fixed the date for enquiry



W.P.No.495 of 2023

as 26.12.2022, annoyed over the notice, since second time it has been issued by the 1st respondent, unmindful of the notice issued by the 2nd respondent, which has been responded by the petitioners, they have moved the present writ petition with the aforesaid prayer.

3. Mr.J.Nagarajan learned counsel for the petitioner, having reiterated the aforesaid facts, would seek the indulgence of this Court to quash the second notice issued by the 1st respondent dated 23.12.2022 and direct the respondents not to proceed further in the matter.

4. However, Mrs.N.Senthil Selvi, learned Government Advocate appearing for the respondents would submit that, insofar as the land in question is concerned, according to the Revenue Department, it is a Government Poramboke. However since it has been considered to be a Grama Natham as per the Village 'A' Register, Patta had been issued in the name of the petitioners. Therefore, in order to enquire the matter and to reach a conclusion, such a notice was issued initially by the Tahsildar / 2nd respondent and after conducting the enquiry now the issue has been shifted to the 1st respondent who has to ultimately take a decision. Therefore, before he takes a decision, he wanted to hear the petitioners' stand and that is why the impugned notice was issued on 23.12.2022, pursuant to which the petitioners ought to have appeared on



W.P.No.495 of 2023

26.12.2022, but admittedly, they have chosen not to appear. Therefore let them appear before the 1st respondent on any subsequent date to be fixed in this regard and put forth their case, which would be considered by the 1st respondent and orders would be passed in accordance with law within a time frame that may be stipulated by this Court, she contended.

5. I have heard the submissions made by the learned counsel for both sides and perused the materials placed on record.

6. Even assuming the earlier notice was served on the petitioners by the 2nd respondent Tahsildar, pursuant to which the petitioners responded and appeared before the 2nd respondent, there is nothing wrong in sending a further notice by the 1st respondent, as he is going to decide the issue with regard to the land in question. Therefore, the impugned notice could have been responded positively by the petitioners. Since the date fixed already has gone, this Court feels that a fresh date can be given by the 1st respondent and on that date the petitioners can appear before the said authority and put forth their case.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.



W.P.No.495 of 2023

- That there shall be a direction to the 1st respondent / Sub-Collector to fix a fresh hearing date on the issue and communicate the same to the petitioners ie., all the three petitioners, apart from the two persons viz., Sarojammal and Rajendran, as the said Sarojammal is no more, the notice can be given to the petitioners alone.
- Notice shall be served on them a week before and on receipt of such notice, the petitioners shall appear before the 1st respondent and place all the documents which are in favour of the petitioners to establish their case that the land in question belongs to them and it is not a Government Poramboke land.
- On such input to be supplied by the petitioners, the 1st respondent, after considering the same, shall take a decision on merits and in accordance with law within a period of eight weeks thereafter.

10. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

09.01.2023

1/2

Index : Yes/No

Neutral Citation : Yes/No

Speaking Order / Non-speaking order

KST

Note : Issue order copy on 12.01.2023



WEB COPY



W.P.No.495 of 2023

R. SURESH KUMAR, J.

KST

To

- 1.The Sub Collector
Office of the Sub-Collector
Ponneri.
- 2.The Tahsildar
Ponneri.

W.P.No. 495 of 2023

09.01.2023