



W.P(MD).No. 5760 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2023

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.5760 of 2014

and

M.P(MD) No.1 and 2 of 2014

M.Syed Mohamed

..... Petitioner

- Vs-

1. The Commissioner Lands Survey and Settlement,
Survey House, 3rd Floor,
Chepauk, Chennai.

2. The Settlement Officer,
Survey House,
Chepauk, Chennai – 600 005.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the first respondent in his proceedings in Na.Ka.No.E1/11859/2010, dated 16.10.2012 and quash the same as illegal within the period that may be stipulated by this Court.



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For Petitioner : Mr.R.Velmurugan

For Respondents : Mr.G.Siva Raja
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the first respondent rejecting the petitioner's claim as belated.

2. The learned counsel appearing for the petitioner would submit that since the petitioner's applications were not being considered by the official, he had moved this Court by way of the writ petitions in W.P(MD) Nos. 14059 of 2010, 13066 of 2010 and 13082 of 2010 and this Court by order dated 30.11.2010 and 26.10.2010 had directed the respondent to consider the petitioner's application after affording an opportunity of hearing to the petitioner and other concerned persons. He would further submit that the present impugned order has been passed clearly in violation of the direction issued by this Court in the above said writ petitions.



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3. As rightly contended by the learned counsel for the petitioner, the impugned order does not disclose of an opportunity of hearing, as no notice of hearing was also given to the petitioner before passing the order impugned in the writ petition.

4. This, in my view, is not only violation of the direction issued by this Court but also the violation of principles of natural justice and hence, the impugned order is liable to be interfered with.

5. In fine, this writ petition is allowed. The order impugned in the writ petition is set aside. The first respondent is directed to conduct an enquiry and after affording an opportunity of hearing to the petitioner and any other concerned persons, pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. With the above said direction, this Writ Petition is disposed of.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

23.02.2023

NCC: Yes / No

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Index : Yes / No

Internet : Yes / No

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To

1. The Commissioner Lands Survey and Settlement,
Survey House, 3rd Floor,
Chepauk, Chennai.

2. The Settlement Officer,
Survey House,
Chepauk, Chennai – 600 005.



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K.KUMARESH BABU, J.

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Order made in
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