



Order dated 13.02.2024
in W.P.No.450 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.450 of 2024

and

W.M.P.Nos.476, 478, 480 and 481 of 2024

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1. Khushroo Burjor Bandrawalla
2. Mani Khushroo Burjor Bandrawalla

.. Petitioners

Vs.

1. The Commissioner of Land Administration,
Chepauk, Chennai-600 005.

2. The District Revenue Officer,
Dindugal District, Dindugal-624 001.

3. The Revenue Divisional Officer, Kodaikanal.
4. The Tahsildar, Kodaikanal Taluk, Kodaikanal.
5. Tmt.Saraswathi
- 6.Thiru.Subramani alias Subburaj

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records related to the first respondent in the impugned proceedings Se/Mu/No.F1/5787472/2023, dated 14.11.2023, received by the petitioner through their counsel on 18.12.2023, confirming the order passed by the second respondent/District Revenue Officer in impugned proceedings No.Na.Ka.No.39694/2022/D1, dated 28.08.2023, received by the petitioner on 02.09.2023 and quash the same and consequently restore the Patta No.4677 in Survey No.859/2 to an extent of 73 cents.



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For petitioner : Mr.Ramesh Venkatachalapathy

For respondents: Mr.T.Arun Kumar, Addl.G.P. for RR-1 to 4

R-5 - Notice/Tapal returned unserved (notice refused)

R-6 - Tapal due, not ready

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records relating to the first respondent in the impugned proceedings Se/Mu/No.F1/5787472/2023, dated 14.11.2023, received by the petitioner through their counsel on 18.12.2023, confirming the order passed by the second respondent/District Revenue Officer in impugned proceedings No.Na.Ka.No.39694/2022/D1, dated 28.08.2023, received by the petitioner on 02.09.2023 and quash the same and consequently restore the Patta No.4677 in Survey No.859/2 to an extent of 73 cents.

2. Learned counsel for the petitioners submitted that aggrieved by the order of the District Collector, the petitioners have filed a Revision Petition before the first respondent/Commissioner of Land Administration and the first respondent, without issuing any notice and without giving an opportunity of hearing, passed the impugned order. Since the first respondent violated the principles of natural justice, the petitioners were deprived of the right of being heard and as against the same, this Writ Petition is filed.

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3. The respondents 1 to 4 have filed counter affidavit and the learned Additional Government Pleader submitted that the land is classified as depressed class land the petitioners are not members of the depressed class and the vendor has no right to sell the property to the petitioners and therefore, the petitioners cannot get their title and since the depressed class land cannot be alienated to the non-members of the depressed class, no prejudice would be caused to the petitioners, even if the opportunity of being heard is afforded and the result of the order would not change, and therefore, even otherwise, the petitioners may not have any prejudice in passing the impugned orders, since they are willful violators of the Revenue Standing Orders (RSO). Under these circumstances, the Writ Petition may be dismissed.

4. Heard both sides and perused the materials available on record.

5. Admittedly, there are Revenue Proceedings and the petitioners challenged the original order passed by the Revenue Divisional Officer and before the District Collector, they were heard and order was passed, against which, the petitioners filed Revision Petition before the first respondent.

6. The main grievance of the petitioners is that the persons who have filed the Revision Petition, were not given an opportunity of hearing and even no notice was sent to them to make their submissions. Therefore, since the respondents are not able to produce any records to show that after taking the



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Revision Petition on file, the first respondent has issued notice to the Revision Petitioners (petitioners herein) and no opportunity of hearing was also given before passing the impugned order. Thus, it is clear that there is violation of principles of natural justice, and therefore, the order passed by the first respondent and the consequential order passed by the second respondent, are set aside. The matter is remitted back to the first respondent, who is directed to give notice and opportunity of hearing to the petitioners in the Revision Petition and after hearing them, pass necessary orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. With the above observations/direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.476 of 2024 is ordered on payment of separate Court fee by each of the petitioners and the other miscellaneous petitions in W.M.P.Nos.478, 480 and 481 of 2024 are closed.

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