



W.A.No.2040 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.No.2040 of 2023

1. N.Veeran
 2. V.Rajaram
 3. V.Ramadurai
 4. V.Rajalakshmi
- .. Appellants

Versus

1. Arriya Vaisyar Community
Represented by its President Govindarajulu
2. The District Revenue Officer,
Cuddalore,
Cuddalore District.
3. The Sub-Collector,
Cuddalore Main Road,
Virudhachalam,
Cuddalore District.
4. The Tahsildar,
Virudhachalam,
Cuddalore District.
5. The Sub Registrar,
Mangalampettai,
Virudhachalam Taluk,



W.A.No.2040 of 2023

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Cuddalore District.

6. V.Rajadurai

.. Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent to set aside the order, dated 20.03.23 in W.P.No.15769 of 2021.

For Appellants : Mr.K.Selvaraj

For Respondents : Mr.V.Raghavachari,
Senior Counsel,
for Mr.Avinash Wadhwani, for R1

: Mr.C.Kathiravan,
Special Government Pleader,
for RR-2 to 5

JUDGMENT

(Judgment made by the Hon'ble Chief Justice)

Heard Mr.K.Selvaraj, learned Counsel for the appellants;
Mr.V.Raghavachari, learned Senior Counsel for Mr.Avinash Wadhwani,
learned Counsel appearing on behalf of the first respondent and
Mr.C.Kathiravan, learned Special Government Pleader for the respondent
Nos.2 to 5.

2. The judgment of the learned Single Judge is assailed.



W.A.No.2040 of 2023

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3. Amongst other submissions, one of the submissions of the learned Counsel for the appellants is that the Advocate for the appellants did not appear before the learned Single Judge and as such, facts could not be placed on record.

4. The learned Senior Counsel for the original writ petitioner submits that the present appellants are tenants of the petitioner inasmuch as lease deed has been executed in favour of the appellants. There is a decree of Civil Court declaring title of the petitioner. These aspects have been considered by the learned Single Judge.

5. Upon perusal of the order passed by the learned Single Judge, it is manifest that the Advocate for the appellants did not appear before the learned Single Judge and based upon the judgment and decree passed by the Civil Court, the impugned order is passed.

6. In view of the above, we are inclined to grant one opportunity to the appellants to put-forth their case. At the same time, the appellants also deserve to be mulct with costs.



W.A.No.2040 of 2023

WEB COPY

7. The impugned order passed by the learned Single Judge is quashed and set aside on a condition that the appellants shall pay costs of Rs.25,000/-. The said amount of costs shall be deposited in the Court and transmitted to the Tamil Nadu State Legal Services Authority, Chennai.

8. The parties shall appear before the learned Single Judge on 05.02.2024. The learned Single Judge may thereafter take up the case as per his convenience. The parties shall co-operate in expeditious disposal of the petition.

9. It is submitted that after the order is passed by the learned Single Judge, patta is issued in the name of the original petitioner. The said position shall be maintained till the disposal of the Writ Petition and the same would be subject to the decision in the Writ Petition.

10. This Writ Appeal is disposed of. Consequently, C.M.P.No.17322 of 2023 is closed.

(S.V.G., CJ.)

18.01.2024

(D.B.C., J.)



W.A.No.2040 of 2023

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

Copy to

The Secretary,

Tamil Nadu State Legal Services Authority,
Chennai.

To

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Cuddalore,
Cuddalore District.
2. The Sub-Collector,
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