

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.19768 of 2014

And

M.P.Nos.1 and 2 of 2014

V.M.Dhandapani

... Petitioner

Vs.

1.The Revenue Divisional Officer
Ponneri Division,
Ponneri, Thiruvallur District.

2.The Revenue Divisional Officer
Ambattur Division
Ambattur
Thiruvallur District.

3.The Tahsildhar
Ambattur Taluk,
Ambattur
Thiruvallur District.

4.The Tahsildhar
Maduravayal Taluk,
Maduravayal
Thiruvallur District.

5.Smt.Rajinikumari

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the Impugned Order of the 4th respondent in Na.Ka.No.543/2014/31 dated 09.07.2014 and quash the same.

For Petitioner

: Mr.A.Ilaya Perumal

For Respondents

: Mr.R.Vijayakumar for R1 to R4
Additional Government Pleader
Mr.P.Thirupathiraj for R5

O R D E R

Heard Mr.A.Ilaya Perumal, learned counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.P.Thirupathiraj, learned counsel appearing for the fifth respondent.

2.Petitioner has filed this writ petition praying for issuance of Writ of Certiorari to quash the proceedings issued by the fourth respondent dated 09.07.2014.

3.The matter arises under the Patta Passbook Act. The only grievance of the petitioner is that the fourth respondent has passed the impugned order without any notice or opportunity to the petitioner and without following the directions issued by this Court in W.P.No.12209 of 2014.

4.On a perusal of the impugned proceedings, it is seen that the fourth respondent did not issue any notice to the petitioner and there is no reference of any such notice in the order. Furthermore, the fifth respondent also is not in a position to establish that the petitioner was issued notice before the impugned order was passed.

5.In the light of the above, it is held that the impugned order is vitiated on the ground of violation of principles of natural justice. Accordingly, the writ petition is allowed and the impugned order is set aside. The matter is remanded to the fourth respondent for fresh consideration. The fourth respondent shall issue fresh notice to the petitioner and the fifth respondent herein, hear the parties in person, consider their respective submissions and documents and pass a reasoned order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.The writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1.The Revenue Divisional Officer
Ponneri Division,
Ponneri,
Thiruvallur District.

2.The Revenue Divisional Officer
Ambattur Division
Ambattur
Thiruvallur District.

3.The Tahsildhar
Ambattur Taluk,
Ambattur
Thiruvallur District.

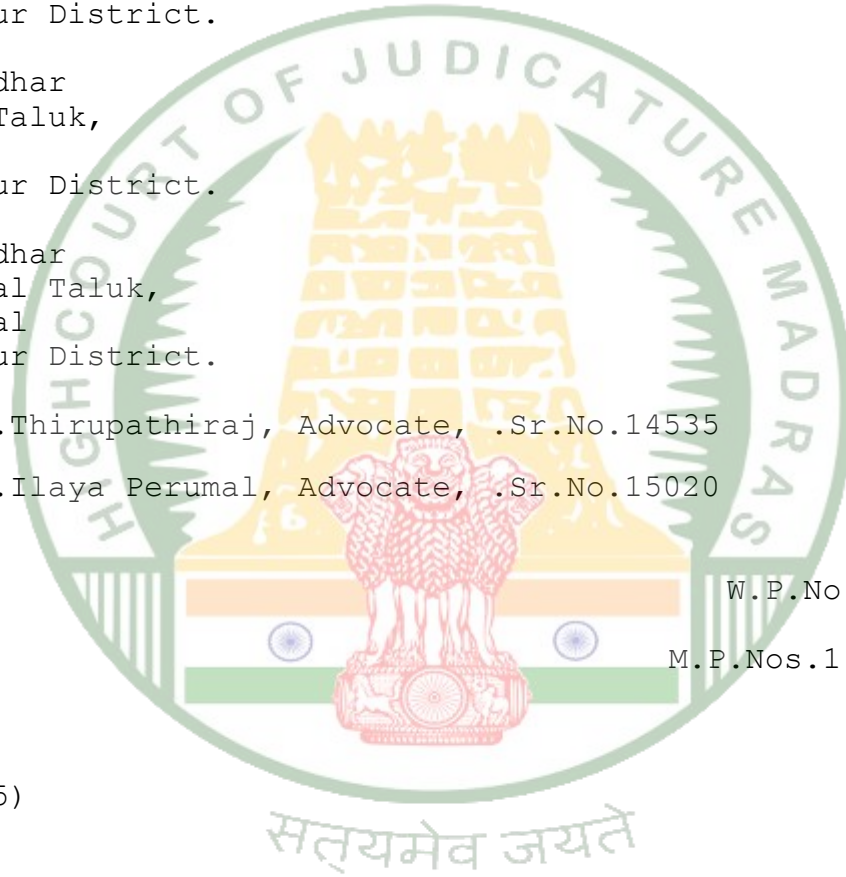
4.The Tahsildhar
Maduravayal Taluk,
Maduravayal
Thiruvallur District.

C.C. to Mr.P.Thirupathiraj, Advocate, .Sr.No.14535

C.C. to Mr.A.Ilaya Perumal, Advocate, .Sr.No.15020

W.P.No.19768 of 2014
And
M.P.Nos.1 and 2 of 2014

SSI(CO)
KP(25.03.2015)



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