

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.34999 of 2015

and

M.P.No.1 of 2015

Arumugam

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Sankakiri
Salem District

2.The Tahsildar,
Edapadi Taluk,
Salem District

3.The Village Administrative Officer,
Irupalli Village,
Edapadi Taluk,
Salem District

...Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records relating to the impugned order passed in Na.Ka.No.1305/2015(B) dated 30.09.2015, on the file of the first respondent herein, and quash the same.

For Petitioner : Mr.K.Goviganesan

For Respondents : Mr.V.Subbiah, Spl.G.P.
for R1 to R3

ORDER

Heard Mr.K.Govi Ganesan, the learned counsel for the petitioner and Mr.V.Subbiah, learned Additional Government Pleader appearing for R1 to R3 and with the consent of either side, the writ petition itself is taken up for final disposal at the admission stage.

2. The order impugned is an order refusing to grant patta in favour of the petitioner. Though the petitioner has an effective alternative remedy under the provisions of the Tamil

Nadu Patta Pass Book Act, 1983, the petitioner would state that the impugned order has been passed in violation of the principles of natural justice, as no opportunity was given to him and without taking note of his objections, straight away the impugned order was passed.

3. On a perusal of the order impugned, it is clear that that the impugned order has been passed without affording sufficient opportunity to the petitioner. Therefore, instead of setting aside the impugned order, the petitioner is directed to treat the impugned proceedings as a show cause notice, submit his reply in writing within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent shall conduct an enquiry into the matter, afford an opportunity of personal hearing to the petitioner and other interested parties and pass a reasoned order on merits and in accordance with law, within a period of four weeks from the date of conclusion of the personal hearing.

4. Writ petition stands disposed of on the above terms. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

msk

To

1.The Revenue Divisional Officer,
Sankakiri
Salem District

2.The Tahsildar,
Edapadi Taluk,
Salem District

3.The Village Administrative Officer,
Irupalli Village,
Edapadi Taluk,
Salem District

+1 cc to Government Pleader, sr.60142

+1 cc to M/s.K.Govi Ganesan, Advocate, sr.60142

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skv co
kra 19/11/2015