



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.01.2015
CORAM:

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

WEB COPY

W.P. (MD) No. 54 of 2015
and
M.P. No. 1 of 2015

R. Sethuraman,
The Panchayat President,
Aranmanaikarai Panchayat,
Kalangathakottai Post 630 710,
Sivagangai District.

: Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Revenue Divisional Officer,
Sivagangai District, Sivagangai.

3. The Tahsildar,
Ilayangudi Taluk, Ilayangudi,
Sivagangai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorari to call for the records pertaining to the impugned notice made in Na.Ka.A4/2050/2013, dated 19.12.2014 issued by the third respondent and quash the same.

For Petitioner
For Respondents

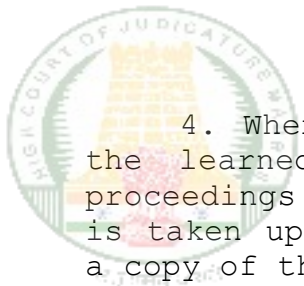
: Mr. D. Sadiq Raja
: Mr. N. Manohar
Special Government Pleader

O R D E R

Mr. N. Manohar, learned Special Government Pleader, takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2. This Writ Petition has been filed challenging the order dated 19.12.2014 passed by the third respondent herein.

3. The only grievance of the petitioner is that before passing the impugned order, dated 19.12.2014, no opportunity of hearing was given to the petitioner, which, according to the petitioner, is in violation of principles of natural justice. In this regard, he would rely upon the proceedings of the District Collector, Sivagangai, dated 15.09.2014, wherein the District Collector has directed the Tahsildar concerned to take appropriate action based on the report dated 06.08.2014, by giving opportunity of hearing to the parties concerned.



4. When the Writ Petition was posted for admission, on 06.01.2015, the learned Special Government Pleader was directed to produce the proceedings dated 15.09.2014. Accordingly, today when the Writ Petition is taken up for hearing, the learned Special Government Pleader produced a copy of the proceedings dated 15.09.2014, which reads as follows:-

"One Thiru S.Pilaventhana filed Writ Petition No.5052 of 2013 and MP No.1 of 2013 before the Madurai Bench of Madras High Court praying to remove the Fencing put-up by the respondents 4 to 6 blocking the entry into the Government Poramboke land in S.No.96/20 at Aranmanaikkarai Village, Ilayangudi Taluk.

2. The Hon'ble Madurai Bench of Madras High Court has passed the order dated 07.08.2014 in respect of above WP, the third respondent i.e., the Tahsildar Ilayangudi to take appropriate action based on the report dated 06.08.2014 as per the procedures established by law, by giving opportunity of hearing to the parties concerned, as expeditiously as possible.

In this case, the Tahsildar, Ilayangudi is directed to take appropriate action as per the order of Hon'ble Madurai Bench of Madras High Court dated 07.08.2014 in W.P.(MD).No.5052 of 2013 and M.P.No.1 of 2013, as expeditiously as possible."

5. A reading of the said order would clearly show that the District Collector, Sivagangai District, directed the Tahsildar concerned to take appropriate action, based on the report, dated 06.08.2014, as per the procedures established by law, by giving opportunity of hearing to the parties concerned, as expeditiously as possible. However, the impugned order has been passed without affording opportunity of hearing to the petitioner, which, as pointed out by the learned counsel appearing for the petitioner, is in violation of principles of natural justice.

6. In view of the above, the impugned order is liable to be set aside. Accordingly, the impugned order, dated 19.12.2014, is set aside only on the ground that no opportunity of hearing was given to the petitioner, before passing the impugned order. However, liberty is granted to the authority concerned to issue fresh notice to the petitioner, afford opportunity of hearing to explain the case of the petitioner and thereafter pass appropriate orders on merits and in accordance with law.

7. The Writ Petition is allowed as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed

Sd/-

Assistant Registrar(Writs)

\\True copy\\

Sub Assistant Registrar

To

- 1.The District Collector, Sivagangai District, Sivagangai.
 - 2.The Revenue Divisional Officer, Sivagangai District, Sivagangai.
 - 3.The Tahsildar, Ilayangudi Taluk, Ilayangudi, Sivagangai District.
- +1 CC TO M/S.D.SADIQ RAJA, ADVOCATE SR.NO.906
+1 CC TO THE SPL.GOV.T.PLEADER SR.NO.974

ORDER MADE IN
W.P.(MD)No.54 of 2015
DATED - 08.01.2015