



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2015

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.8349 of 2015

and

MP (MD) Nos.1 to 4 of 2015

Valliyappan

.. Petitioner

Vs.

1.The District Revenue Officer,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Ponnamaravathi Raluk,
Pudukottai District.

3.The Assistant Engineer (Distribution)
Tamilnadu Electricity Board,
Ponnamaravathi,
Pudukottai District.

4.Saravanakumar

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the impugned order of the first respondent in Na.Ka.A4/1614/2015 dated 8.5.2015 and the consequential impugned letter of the third respondent in ka.No.Vu.Mi.Po/Na/Pon/Ko.complaint A.No.56 dated 8.5.2015 quash the same.

For Petitioner : Mr.R.Arun Swaminathan

For RR - 1 & 2 : Mr.S.Kumar

Additional Government Pleader

For R - 3 : Mr.S.M.S.Johnny Basha

For R - 4 : Mr.J.Senthilkumar

ORDER

The petitioner is aggrieved against the order passed by the first respondent dated 08.05.2015 and consequential proceedings issued by the third respondent dated 08.05.2015.

2.The first respondent through the impugned order rejected the revision petition filed by the petitioner arising out of an application seeking to record the petitioner's claim as cultivating tenant in the revenue records. The consequential order is passed by the Electricity department calling upon the



petitioner to show cause as to why the electric service connection can be disconnected.

3. It is seen that the petitioner originally approached the Tahsildar and got his name entered in the revenue records as a cultivating tenant of the vendor of the fourth respondent. Aggrieved against the same, the fourth respondent filed an appeal before the Revenue Divisional Officer, who in turn allowed the appeal. Consequently the petitioner preferred a revision before the first respondent. In the said revision, the first respondent issued a notice dated 24.04.2015 to the petitioner as well as to the fourth respondent calling upon them to appear for an enquiry on 12.05.2015 at 03.30 p.m. However, even before the date of such enquiry, the first respondent passed the present impugned order on 08.05.2015 itself, that is four days before the date of such enquiry. Therefore, it is contended by the learned counsel appearing for the petitioner that the impugned order passed was in violation of principles of natural justice.

4. Heard both sides.

5. There is no doubt about the fact that the present impugned order passed by the first respondent is in violation of principles of natural justice as it is very evident that the same came to be passed four days in advance i.e., on 08.05.2015, when the date of enquiry itself was fixed as 12.05.2015. Therefore, I find every justification to set aside the impugned order solely on the ground that the same came to be passed in violation of principles of natural justice.

6. Accordingly, the impugned order is set aside and the matter is remitted back to the first respondent for passing fresh orders on merits and in accordance with law after giving due opportunity of hearing to the petitioner as well as to the fourth respondent. Such exercise shall be done by the first respondent within a period of twelve weeks. Till the first respondent passes final orders as stated supra, electricity service connection given to the petitioner shall not be disconnected based on the order impugned in this writ petition if there is no other reason for disconnection.

7. This writ petition is allowed. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/



To

1.The District Revenue Officer,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Ponnamaravathi Raluk,
Pudukottai District.

3.The Assistant Engineer (Distribution)
Tamilnadu Electricity Board,
Ponnamaravathi,
Pudukottai District.

+1cc to Mr.J.Senthilkumar, Advocate Sr.No. 15507

+1cc to Spl.GOvernemnt Pleader Sr.No. 75844

mj

AA/SK-SKN/SAR-I/05.01.2016/3p-6c

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