



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

Writ Petition(MD)No.9520 of 2013
and

M.P(MD)No.1 of 2013

R.S.Vembu

... Petitioner

Vs.

1.The District Collector/President,
District Rural Development Scheme,
Tirunelveli, Tirunelveli District.

2.The Block Development Officer (Va.Oo Vattara
Ooraatchi Scheme), Radhapuram,
Tirunelveli District.

3.The Tahsildar,
Radhapuram,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the impugned order 30/04/2013 made in A13/1191/2009-1 passed by the 1st respondent and consequential notice issued by the 2nd respondent dated 03/06/2013 made in A2/165/2011 and quass the same as illegal.

For Petitioner : Mr.S.Palani velayutham

For Respondents : Mr.T.R.Janarthanam

Additional Government Pleader

ORDER

The main ground raised in the writ petition is that the first respondent has passed the impugned order of cancellation of the petitioner's allotment of dwelling house in Samathuvapuram Unit at Radhapuram.

2.Learned counsel for the petitioner submits that when the first respondent had initiated an enquiry for the purpose of cancelling the allotment, no prior notice was given to him thereby depriving of due opportunity of being heard.

3.On a perusal of the impugned order of cancellation, there is nothing on record to indicate that the first respondent had issued prior notice to the petitioner. It is also submitted by the learned counsel for the petitioner that pursuant to the impugned order of cancellation, the respondents have taken possession of the house allotted to the petitioner. The order without prior notice to the petitioner, thereby depriving him of



reasonable opportunity to put forth his objections, is prima facie illegal.

4. Under such circumstances, the impugned order dated 30.04.2013 passed by the first respondent is quashed. The matter is remanded back to the first respondent for fresh consideration. The first respondent shall pass orders, after issuing prior notice to the petitioner and considering his objections if any, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observation, the writ petition stands allowed. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector/President,
District Rural Development Scheme,
Tirunelveli, Tirunelveli District.
2. The Block Development Officer (Va.Oo Vattara
Ooraatchi Scheme), Radhapuram,
Tirunelveli District.
3. The Tahsildar,
Radhapuram,
Tirunelveli District.

+1CC TO SPL. GOVT. PLEADER, SR.NO:6921

+1CC TO MR.S.PALANI VELAYUTHAM, SR.NO:6817

sms

AE/CM MSA/16.02.2017/2P/6C

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