

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP.No.661 of 2010

MP.No.1 of 2010

A.Shoba

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Hosur.

2.Chandrappa

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of 1st respondent in proceedings Na.Ka.6800/09/A4 dated 17.12.2009 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.J.Ramesh, AGP

O R D E R

The petitioner has filed this writ petition to quash the proceedings of the first respondent in Na.Ka.No.6800/09/A4 dated 17.12.2009.

सत्यमेव जयते

2.When the matter was taken up for consideration, the learned counsel for the petitioner submitted that the first respondent, without issuing any notice and without providing an opportunity of personal hearing to the petitioner, has passed the impugned order, by including the name of the second respondent in Patta No.927 in respect of the property in S.No.8/13, Sub-division No.8/3A of Komaranapalli Village, Denkanikotta Taluk, Krishnagiri District, which is arbitrary, illegal and against the principles of natural justice. In support of his submission, the learned counsel drew the attention of this Court to the Tamil Nadu Government Gazette Extraordinary bearing No.39, published on 30.01.1986, wherein, the Tamil Nadu Patta Pass Book Act, 1983, has been published for

general information, as per which, Section 10 (3)(a) reads as follows:

“(3)(a) Before passing an order on an application under sub-section(1), the Tahsildar shall follow such procedure as may be prescribed and shall also give a reasonable opportunity to the parties concerned to make their representations either orally or in writing. If the Tahsildar decides that any modification should be made in respect of entries in the patta pass book, he shall pass an order accordingly and shall make such consequential changes in the patta pass book, as appear to him to be necessary, for giving effect to his order.

Thus, according to the learned counsel, the order impugned herein has to be set aside.

3. On the other hand, the learned Additional Government Pleader appearing for the first respondent is unable to state as to whether the impugned order was passed, after issuing any notice or providing any opportunity of personal hearing to the petitioner.

4. Heard both sides and perused the records.

5. Admittedly, the first respondent passed the order impugned in this writ petition, without issuing any notice or providing any opportunity of personal hearing to the petitioner. It is well settled that whenever an order is passed by an authority, the principles of natural justice demands that an opportunity has to be given to the person, against whom, such an order is proposed to be passed and in the absence of compliance to such principle, the aggrieved person will certainly be groping in the dark as to what prompted the authority to pass such an order. Applying the same to the facts of the present case, this Court has no hesitation to set aside the impugned order, on the ground of violation of principles of natural justice.

6. Accordingly, the impugned order dated 17.12.2009 passed by the first respondent is set aside. The matter is remanded back to the first respondent for passing a fresh order on merits and in accordance with law, after affording due opportunity of personal hearing to all the parties concerned. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7.This writ petition stands allowed to the extent as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rm/rk

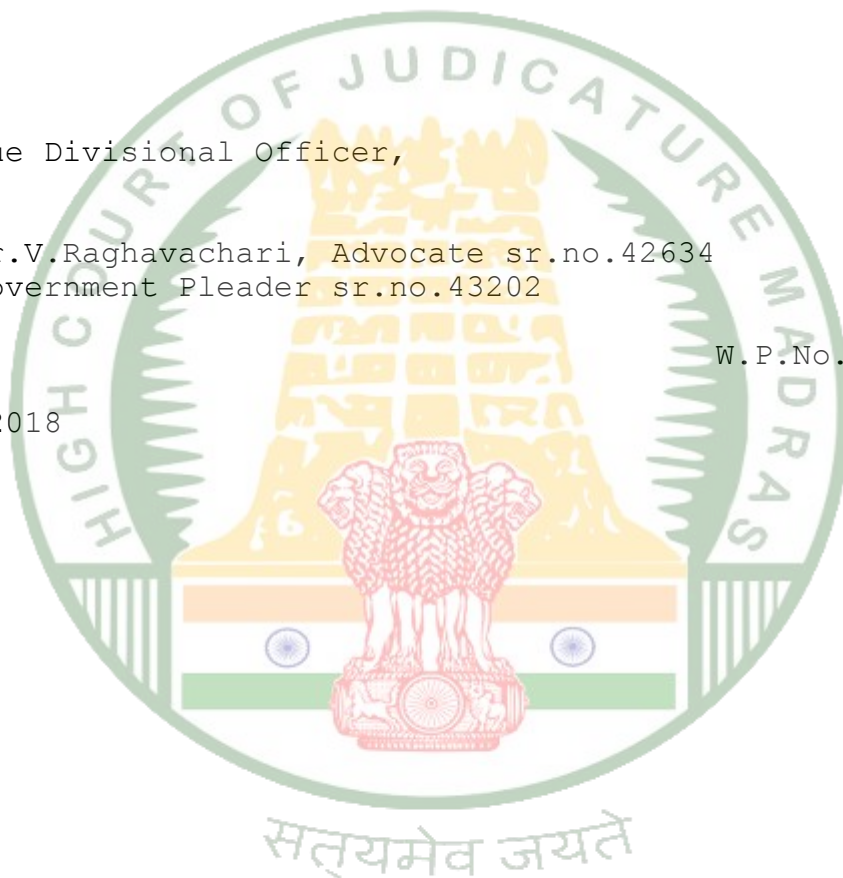
To

The Revenue Divisional Officer,
Hosur.

+1cc to Mr.V.Raghavachari, Advocate sr.no.42634
+1cc to Government Pleader sr.no.43202

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nr 11/08/2018



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