

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.05.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12200 of 2018 and WPMP.Nos.14231 to 14234 of 2018

S.Manjula

... Petitioner

Versus

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer,
Thiruvallur.

3.The Tahsildar,
Uthukottai Taluk,
Thiruvallur District.

... Respondents

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records in respect of order in Na.Ka.No.625/2017/A1, dated 23.02.2018 passed by the 3rd respondent and the order in Na.Ka.No.867/2018/A5, dated 20.03.2018 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable arbitrary and against the law.

For Petitioner : Ms.S.Sujatha

For Respondents : Mr.A.N.Thambidurai, Spl.GP

ORDER

Notices issued by the respondents in proceedings dated 23.02.2018 and 20.03.2018 inviting the writ petitioner to submit his explanation / objection or documents in respect of the Patta proceedings, is under challenge in this writ petition.

2. On a perusal of the copy of the notice, it is seen that the writ petitioner has been invited to submit his explanation/objection and documents if any and appear before the respondents to explain his contentions and defence.

3. No writ petition can be entertained against the notice providing an opportunity to the petitioner to defend his case before the competent authority. A writ against the notice can be entertained only in exceptional circumstances, especially, when the said notice is issued by an authority without any jurisdiction or competency or if any allegation of mala fide is raised or if the same is in violation of the statutory rules in force. Even in case of raising allegation of mala fide, the authority against whom such an allegation is raised, has to be impleaded as party respondent in the writ proceedings. In the absence of any one of these legal grounds, no writ proceedings can be entertained against

notice providing the opportunity to the writ petitioner to submit their defence and documents and to explain their contention.

4. Judicial review against the notice is certainly limited. In the present case, the learned counsel appearing for the petitioner states that the petitioner is absolutely unconnected with the Patta proceedings. May that it be, it is the responsibility of every citizen to respond to the notice issued by such competent authority. If such notices are not issued and if any of the right is infringed from and out of the order passed by any such authorities, then also, the writ petitioner will be forced to approach this Court stating that no opportunity was given to defend his case. It is preferable that in any of such circumstances, the competent authority is to issue notice to all concerned ; hear them and then take a decision and pass orders in order to avoid all such technical lacunae.

5. This being the principles to be followed, this Court is of an opinion that there is no infirmity in respect of the notices issued by the respondents providing an opportunity to defend their case in the manner known to law. Thus, it is left open to the writ petitioner to submit his explanation/objection if any before the respondents and participate in the enquiry proceedings as per the procedures. The respondents are also directed to provide opportunity to the writ petitioner to defend his case and thereafter, take a decision and pass orders on merits and in accordance with law.

6. In this view of the matter, the writ petitioner has not established even a semblance of legal right so as to consider the relief as such sought for in this writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently connected miscellaneous petitions are closed.

10.05.2018

sk/rka

Index: Yes
Internet: Yes
Speaking

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Revenue Divisional Officer,
Thiruvallur.
3. The Tahsildar,
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S.M.SUBRAMANIAM.,J



W.P.No.12200 of 2018

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