

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2018

CORAM

THE HONOURABLE MR.JUSTICE K. KALYANASUNDARAM

W.P.No.18562 of 2010
and
M.P.Nos.1 and 2 of 2010

K.M.Pakkirisamy

... Petitioner

vs.

1. The Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The District Revenue Officer,
Tiruvannamalai District,
Tiruvannamalai.

3.The Revenue Divisional Officer,
Cheyyar,
Tiruvannamalai District.

4.The Tahsildar,
Arni Taluk,
Tiruvannamalai District.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of certiorarified mandamus to call for the records of the third respondent in his proceeding in Na.Ka.G2/4827/2003 dated --.07.10 and quash the same and forbear the respondents from proceeding against the petitioner in respect of an extent of 15 cents of land comprised in S.No.523/12 New S.No.582/30, situate in Ariyabadi Village, Arni Taluk, Tiruvannamalai District.

For Petitioner : Mr.G.Jeremiah

For Respondents: Mr.N.Inbanathan

Additional Government Pleader

O R D E R

Heard Mr.G.Jeremiah, learned counsel for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader for the respondents.

2.The petitioner challenges the order of the fourth respondent, in and by which, he was directed to vacate and hand over possession of 0.15 cents to the respondent.

3.Learned counsel for the petitioner submitted that the Sub Collector, Cheyyar, by an order dated 25.06.1987, issued a license to the petitioner for running a mat industry, however the fourth respondent, without issuing any notice and conducting enquiry, has passed the impugned order. He further submitted that the petitioner is ready to appear before the fourth respondent and submit all the documents in support of his case.

4.Learned Additional Government Pleader appearing for the respondents submitted that the land is classified as Natham, so the petitioner has no right to run an industry. According to the learned Additional Government Pleader, Natham land could be used only for residential purpose.

5.It is not in dispute that the impugned order came to be passed without providing opportunity to the petitioner. The case of the petitioner is that pursuant to the license issued by the Sub Collector, Cheyyar dated 25.06.1987, the petitioner has been running the industry.

6.In the light of the above facts and in my considered opinion, the petitioner is entitled to be provided with an opportunity of personal hearing. Hence, the order impugned in this writ petition is liable to be set aside on the sole ground of violation of principles of natural justice. Accordingly, the same is set aside and remitted back to the fourth respondent. The fourth respondent shall pass orders afresh after providing opportunity to all the necessary parties.

7.The writ petition is allowed accordingly. No costs. The connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vri

To

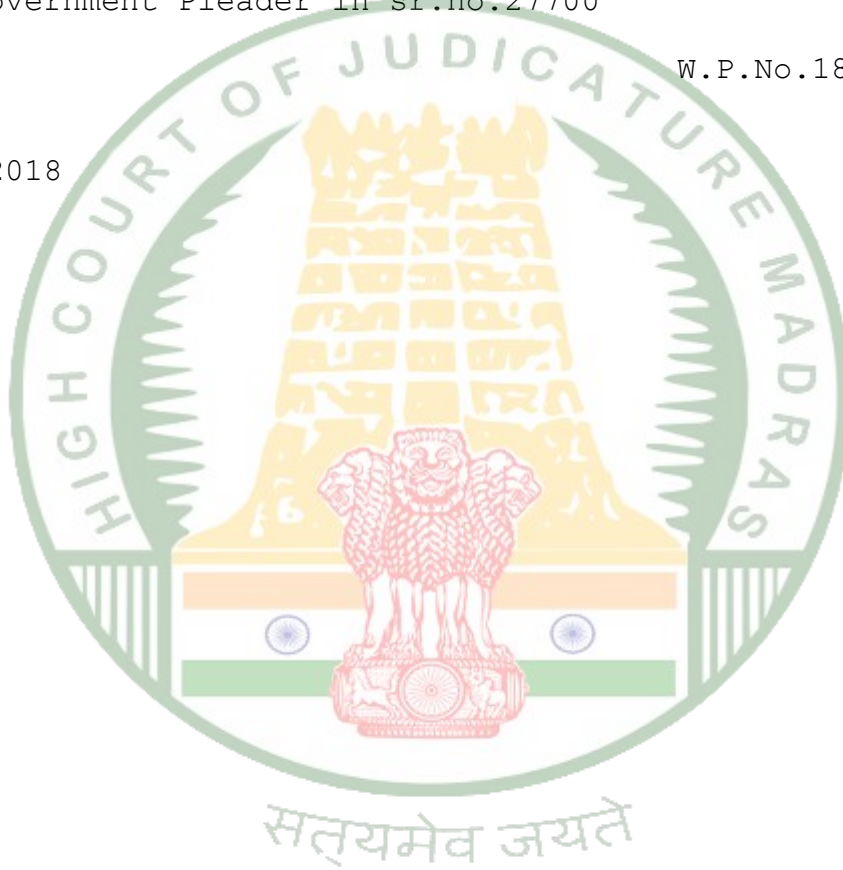
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Arni Taluk,
Tiruvannamalai District.

+lcc to Mr.G.Jeremiah, Advocate sr.no.26166
+lcc to Government Pleader in sr.no.27700

W.P.No.18562 of 2010

mp(co)
nr 08/05/2018



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