



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.4718 of 2018

and

WMP(MD)No.4758 of 2018

A.Alagappan

... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul.

3. The Tahsildar,
Natham Taluk Office,
Dindigul District.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ Certiorarified Mandamus to call for the records relating to the 3rd respondent Tahsildar impugned proceedings made in Na.Ka.No.6696/2017/AA3 dated .01.2018 by the office of Tahsildar Natham Taluk Dindigul District and to quash the same as illegal and consequently directing the respondents not to interfere with the peaceful enjoyment of the possession of the petitioner.

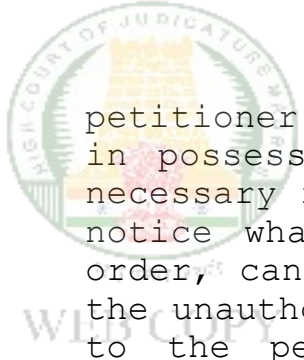
For Petitioner : M/s.K.Abiya

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

This writ petition has been filed seeking to quash the impugned proceedings of the third respondent in Na.Ka.No.6696/2017/AA3 dated .01.2018 and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner.

2.According to the petitioner, earlier, his father viz., Alagappan was issued with a 2-C patta, for the enjoyment 32 acres of land standing in S.No.148, at Saminathapillai Tank poramboke at Lingavadi Village, Natham Taluk, Dindigul District. The above patta has been issued in the year 1983. Subsequently the



petitioner's father has passed away, as on date, the petitioner is in possession and enjoyment of the same, and he is also paying necessary fee to the Government. Now, all of a sudden, without any notice whatsoever, the third respondent has passed the impugned order, cancelling the patta on the ground that in order to evict the unauthorised occupation in the water bodies, the patta granted to the petitioner has been cancelled. Challenging, the above order, this writ petition has been filed.

3.The learned counsel appearing for the petitioner submitted that earlier, the petitioner's father had been in possession and enjoyment of the properties in dispute from the year 1983 and after his demise, till date, the petitioner has been in possession and enjoyment of the same. Now, all of a sudden, without any enquiry whatsoever, the third respondent has cancelled the patta without assigning any valid reason.

4.On the other hand, the learned Government Advocate appearing for the respondents submitted that in order to evict the unauthorised occupants from the water bodies, the patta granted in favour of the petitioner has been cancelled and there is no illegality in the order passed by the respondents.

5.A perusal of the order passed by the third respondent it is seen that the third respondent has cancelled the patta without any notice or enquiry. It is a settled law that any order which will visit with civil consequences, cannot be passed without notice to the aggrieved party. In order to satisfy the principles of natural justice, the respondents ought to have given an opportunity to the petitioner to submit his objections before passing the impugned order. Under the said circumstances, the order impugned in the writ petition is liable to be set aside. However, the impugned order passed by the third respondent should be treated as show cause notice and the petitioner is directed to submit his objections within a period of two weeks from the date of receipt of a copy of this order. On filing such objections, the third respondent is directed to conduct enquiry and pass suitable orders on merits and in accordance with law within a period of four weeks thereafter, after affording an opportunity of hearing to the petitioner.

6.With the above observation, this writ petition is disposed of. No costs. Consequently, WMP(MD)No.4758 of 2018 is closed.

Sd/-

Assistant Registrar(crl sdie)

/True Copy/



To

1. The District Collector,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul.

3. The Tahsildar,
Natham Taluk Office,
Dindigul District.

+1cc to M/s.K.Abiya, Advocate Sr.No. 53238

+1cc to Spl.Government Pleader Sr.No.53658

MJ

VB/SV/MMS/SAR4/20.03.2018/3P/6C

WP (MD) No.4718 of 2018
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