



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.6433 of 2018
and
W.M.P (MD) No.6243 of 2018

P.Periyalagan

... 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

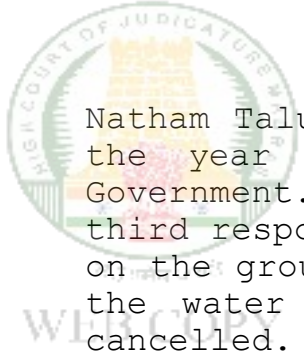
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the 3rd respondent Tahsildar in impugned proceedings made in Na.Ka.No.6696/2017/AA3 dated .01/.2018 by the office of Tahsildar Natham Taluk Dindigul 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.Rajaraman, 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, he was issued with a 2-C patta, for the enjoyment 15 coconut trees 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 1998 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 has been in possession and enjoyment of the properties in dispute from the year 1998. 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.

6.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.

7.With the above observation, this writ petition is disposed of. No costs. Consequently, WMP(MD)No.6243 of 2018 is closed.

Sd/-

Assistant Registrar (Crl.side)

/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.

+ 1 CC TO M/s.K.ABIYA, ADVOCATE IN SR No. 58168

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 59015

SMS

TE/KKR/SAR-4 : 12/04/2018 : 3P/6C

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