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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
W.P.(MD) No.17936 of 2018

and

W.M.P.(MD)Nos.15819 and 15820 of 2018

1.V.Subbaian
2.V.Chennaian

... Petitioners

vs.

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

3.S.Balachandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.A2/1402/2018, dated 16.05.2018 and quash the same as illegal, without jurisdiction and in violation of principles of natural justice.

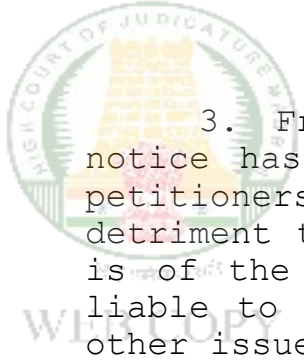
For Petitioner : Mr.B.Saravanan

For Respondents : Mr.S.Angappan
Government Advocate
for R.1 and R.2
: Mr.Pala Ramasamy
for R.3

O R D E R

The petitioners are challenging the order passed by the second respondent dated 16.05.2018 cancelling the patta granted in favour of the petitioners for the subject property. The petitioners have approached this Court against the order *inter alia* contending that they were not heard before the impugned order was passed by the second respondent.

2. Mr.S.Angappan, learned Government Advocate entered appearance on behalf of the respondents 1 and 2 and Mr.Pala Ramasamy, learned Counsel entered appearance on behalf of the third respondent.



3. From the impugned order it is seen that admittedly no notice has been given to the petitioners and without putting the petitioners on notice, the second respondent has passed an order detrimental to the interest of the petitioners. Therefore, this Court is of the view that on that short ground alone, the petition is liable to be allowed without expressing any view in regard to any other issues raised by the petitioners.

4. For the above said reasons, on the limited ground of non adherence to the establishment of principles of natural justice i.e., not giving notice to the petitioners, the impugned order of the second respondent dated 16.05.2018 is hereby set aside and the matter is remitted back to the second respondent for fresh consideration in respect of rival claims of the petitioners as well as the third respondent.

5. The second respondent is directed to give notice to both the petitioners as well as the third respondent and after affording due opportunity to them, pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-IV)

To

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

+1cc to Mr.B.Saravanan, Advocate, SR.No. 83396
+1cc to Mr.Pala Ramasamy, Advocate, SR.No. 83640
+1cc to M/s.Special Government Pleader,SR.No. 83684

W.P. (MD) No.17936 of 2018
10.09.2018

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