

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 22.07.2019
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.23814 of 2008
and MP.Nos.2 of 2008, 1 & 2 of 2009

Povayee

..Petitioner

Vs

1. The District Collector,
Salem District, Salem.
 2. The District Revenue Officer,
Salem District, Salem.
 3. The Revenue Divisional Officer,
Sankari, Salem District.
 4. Muniappan
- ...Respondents

[Cause title of R3 amended as per the order of this Court
dated 20.11.2008 in MP.No.3 of 2008
in WP.No.23814 of 2008]

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records pertaining to the proceedings of the 3rd respondent herein made in Na.Ka.4747/2007 dated 13.02.2008 for non-compliance of the principles of natural justice, quash the same.

For Petitioner

: Mr.N.Manokaran

For Respondents

: Mr.I.Sathish, AGP, for RR1 to 3
Mr.N.Sreenivasalu, for R4

WEB COPY

ORDER

Heard the learned counsels appearing on either side and perused the materials available on record.

2. This Writ Petition has been filed to issue a Writ of Certiorari to quash the proceedings of the 3rd respondent made

in Na.Ka.4747/2007 dated 13.02.2008.

3. By a deed of assignment dated 26.11.1998, the petitioner was assigned with 3 cents of land on the specific condition that the assignee should put up construction within a period of one year and shall not alienate the property. Since the petitioner has not constructed any building and she was not residing in the said land, the deed of assignment came to be cancelled through the impugned order. The said order has been challenged on the only ground that the petitioner was not provided with an opportunity of personal hearing before passing of the impugned order.

4. A Perusal of the impugned order would show that an inspection was conducted on 04.02.2008 and it was found that the land was kept vacant. Though the learned counsel for the petitioner submitted that the petitioner had put up a thatched shed and she was residing therein since 1998, but no materials have been produced to substantiate her claim.

5. It is settled law that affording an opportunity is not an empty formality. In the matter on hand, violation of the assignment conditions have been established. Hence, I find no merit in this Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

pvs

To

1. The District Collector,
Salem District, Salem.
 2. The District Revenue Officer,
Salem District, Salem.
 3. The Revenue Divisional Officer,
Sankari, Salem District.
- +1 cc to Mr.N.Manokaran Advocate sr62576
+1 cc to Government pleader sr 62795

W.P.No.23814 of 2008

aa10/10/2019