

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.08.2019
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
W.P.No.39389 of 2004
and
W.P.M.P.No.46969 of 2004

S.M.S.Middle School,
rep.by its Secretary,
T.Ramesh.

..Petitioner

Vs

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.The Tahsildar,
Sirkali Taluk,
Sirkali,
Nagapattinam District.

3.The Accountant General,
A.G.S.Office,
Mount Road,
Chennai.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India seeking for a Writ of Certiorari, calling
for the records of the 2nd respondent in Na.Ka.No.3436 of
2004/844, dated 30.09.2004 and quash the same.

For Petitioner : Mr.A.Muthukumar

For Respondents : Mr.I.Sathish

Additional Government Pleader
for R1 & R2

Mr.V.Vijay Shankar for R3

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O R D E R

Heard Mr.A.Muthukumar, learned counsel for the petitioner,
Mr.I.Sathish, learned Additional Government Pleader for the
respondents 1 and 2, Mr.V.Vijay Shankar, learned counsel for the
third respondent and perused the materials available on record.

2. The petitioner has come forward with this writ petition

to quash the notice issued by the second respondent dated 30.09.2004, whereby, the petitioner has directed to pay a sum of Rs.58,818/-, towards the lease amount.

3. According to the learned counsel for the petitioner, the petitioner school was established in the year 1957 in S.No.187/1, which has been classified as 'Grama Natham' in the revenue records. The petitioner school is also getting aid from the Government and is being run in the rural area.

4. The learned counsel for the petitioner further submitted that the land, which has been classified as 'Grama Natham' does not vest with the Government and there is no agreement as to the payment of lease to the second respondent. It is also submitted that impugned notice has been issued without providing any opportunity to the petitioner, which is against the principles of natural justice.

5. Per contra, the learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner school is being run in 'Grama Natham' land and hence, they are liable to pay the lease amount to the respondents as per the impugned notice.

6. Perusal of the impugned notice of the second respondent would show that the petitioner was not put on notice and it has been issued without providing any opportunity to the petitioner. On the sole ground, the order impugned in this writ petition is liable to be set aside. Accordingly, the same is set aside and the matter is remanded back to the second respondent, who shall pass orders afresh, after affording an opportunity of personal hearing to the petitioner on merits and in accordance with law.

7. With the above direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)
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//True Copy//

Sub Assistant Registrar

ms

To

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.The Tahsildar,
Sirkali Taluk,
Sirkali,
Nagapattinam District.

3.The Accountant General,
A.G.S.Office,
Mount Road,
Chennai.

+1 cc to M/s.A.Muthukumar Advocate sr66390

W.P.No.39389 of 2004
and
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mp(co)
aa06/09/2019



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