

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.18721 of 2005 and

W.M.P.No.20266 of 2005

Minor Roopesh Babu

rep by his father and natural guardian

Harikrishnan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Tirupattur.

2. The District Collector,
Vellore.

3. The Tahsildar,
Vaniyambadi.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorari to call for the records on the file of the 1st respondent in Na.Ka.No.11235/2003 dated 25.05.2005 and quash the same.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of certiorari to call for the records on the file of the 1st respondent dated 25.05.2005 and to quash the same.

2.It is the case of the petitioner that the 1st respondent, by the impugned order dated 25.05.2005, had cancelled the 2C patta issued in favour of the petitioner without giving an opportunity of hearing to him.

3.Mr.V.Raghavachari, learned counsel appearing for the petitioner submitted that the 1st respondent had violated the principles of natural justice by not giving an opportunity of personal hearing to the petitioner prior to the passing of the impugned order dated 25.05.2005.

4.On a perusal of the impugned order dated 25.05.2005, it is clear that the 2C patta issued in favour of the petitioner was cancelled by the 1st respondent without giving him an opportunity of hearing, which is a clear violation of principles of natural justice.

5.Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) also fairly submitted that an opportunity of personal hearing was not given to the petitioner by the 1st respondent.

6.In view of the submissions made by the learned counsel on either side, since the impugned order dated 25.05.2005 passed by the 1st respondent is in clear violation of principles of natural justice, the same is liable to be set aside. Accordingly, the impugned order dated 25.05.2005 passed by the 1st respondent is set aside and the matter is remitted back to the 1st respondent for fresh consideration. The 1st respondent is directed to decide the matter afresh, on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner, as expeditiously as possible.

7.With this observation, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

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To

Sub Assistant Registrar

1. The Revenue Divisional Officer, Tirupattur.

2. The District Collector, Vellore.

3. The Tahsildar, Vaniyambadi

+1 cc to Mr.V.Raghavachari, Advocate, S.R.No.45680

+1 cc to the Government Pleader, S.R.No.46168

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SSM(19/06/2019)