



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P. (MD) No.20112 of 2019

and

W.M.P. (MD) .No.16651 of 2019

Mrs.Benazir Parveen

... Petitioner

vs.

1.The Block Development Officer (VP)
Raja Singa Mangalam Panchayat Union,
Raja Singa Mangalam 623 525,
Ramanathapuram District,
acting as the Special Officer,
Anandur Village Panchayat,
Anandur-623 401.
Ramanathapuram District.

2.Malathi

... 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 of the 1st respondent in Na.Ka/Aana/1/2019 dated 16.07.2019 and quash the same.

For Petitioner : Mr.N.Dilip Kumar

For Respondent : Mr.M.Rajarajan
Govt. Advocate

O R D E R

Mr.M.Rajarajan, learned Government Advocate takes notice on behalf of the first respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent.

4.The impugned order vide proceedings in Na.Ka/Aana/1/2019 dated 16.07.2019 came to be passed on the basis of newspaper publication made in Thinathanthi, dated 13.07.2019. Surprisingly, a reference to the proceedings does not disclose any complaint from the person interested against the petitioner and it is more



surprising that the authority *suo motu* taken action in the said matter on the basis of newspaper publication and without notice to assessee, cancelled the house tax assessment. Such orders are absolutely in violation of principles of natural justice and gives an inference that the said authority, without conducting an enquiry and without giving an opportunity, to the petitioner, comes to the said conclusion on extraneous consideration, without there being any complaint for the same. Hence, the order dated 16.07.2019 is liable to be set aside, since it is passed in violation of principles of natural justice and one without jurisdiction. Accordingly, impugned order passed by the 1st respondent in Na.Ka/Aana/1/2019 dated 16.07.2019 is set aside.

4.The writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

vs
To:

The Block Development Officer (VP)
Raja Singa Mangalam Panchayat Union,
Raja Singa Mangalam 623 525,
Ramanathapuram District,
acting as the Special Officer,
Anandur Village Panchayat,
Anandur-623 401.
Ramanathapuram District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-88921[F] dated 24/09/2019)

W.P. (MD) No.20112 of 2019
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JM/14.10.2019/2P/3C