



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.21866 of 2019

and

W.M.P. (MD)Nos.18619 and 18620 of 2019

N.Sakthivel

: Petitioner

Vs.

1.The Sub-Collector,
Palani Taluk,
Dindigul District.

2.The Tahsildar,
Taluk Office,
Palani Taluk,
Dindigul District.

3.P.Muniappan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the order in Mu.Mu.No.8144/2018/A7, dated 08.08.2019 passed by the first respondent and quash the same.

For Petitioner

: Mr.N.Mohan

For Respondents 1&2

: Mr.M.Rajaraj,

Government Advocate

For Respondent No.3

: No Appearance

ORDER

The petitioner was issued with a lease by the second respondent/Tahsildar to rear the fishes in a rock pit area, vide proceedings in Na.Ka.No.12434/2017/C2, dated 10.01.2018, on payment of Rs.39,360/- [Rupees Thirty Nine Thousand and Three Hundred and Sixty only] as the lease amount and he has paid the amount on 19.04.2018 and was fishing in that rock pits. It appears that the third respondent made a representation to the first respondent that he is the lease holder in respect of Survey No.62/1, to an extent of 0.16.5 Hectares of the area to nurture the fishes and during rainy seasons, water overflows and reaches the rock pits leased out to the petitioner, due to which, the third respondent was constrained to financial loss. Considering the representation made by the third respondent, the first respondent, vide proceedings in Mu.Mu.No.8144/2018/A7, dated 08.08.2019, cancelled the order passed by the second respondent, thereby, depriving the petitioner of his leasehold rights. Aggrieved over the same, the petitioner is before this Court.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first and second respondents.

3. On a perusal of the impugned order dated 08.08.2019, it is seen that before cancelling the order of the Tahsildar, dated 10.01.2018, no notice was issued to the petitioner and there is no whisper about the amount paid by him and compensation or damages payable to the petitioner.

4. It is well settled that when an order of the administrative authority deprives a person of his rights, notice shall be issued to him.

5. Insofar as the present case is concerned, even though the petitioner has deposited Rs.39,360/- [Rupees Thirty Nine Thousand and Three Hundred and Sixty only] and was issued with the leasehold rights, that was cancelled without notice to him. Therefore, it is very clear that the impugned order dated 08.08.2019 is violative of principles of natural justice, even if the order dated 10.01.2018 of the second respondent is violative of Government Order issued in G.O.(Ms)No.55, Revenue [LD2(1)] Department, dated 24.02.2017. Furthermore, the third respondent, in spite of receipt of notice from this Court, has not chosen to appear either in person or through a counsel. Hence, in these circumstances, the order of the first respondent dated 08.08.2019, is liable to be set aside and accordingly, set aside. However, it is open to the first respondent to take action against the order passed by the second respondent in adherence with principles of natural justice.

6. The Writ Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Sub-Collector,Palani Taluk,Dindigul District.

2.The Tahsildar,Taluk Office,Palani Taluk,Dindigul District.

+1 CC to M/s.N.MOHAN, Advocate (SR-97257[F] dated 11/11/2019)

sml

Order made in

W.P. (MD)No.21866 of 2019

Dated: 08.11.2019