



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.22471 of 2019

and WM.P. (MD) .No.19254 and 19255 of 2019

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D.Augustin

... Petitioner

vs.

1.The District Registrar (Administration)
Palayamkottai, Tirunelveli District.

2.The Chief Educational Officer,
Tuticorin District, Tuticorin.

3.Lal Bahadur Kennedy

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the impugned order No.406/Aa2/2019 dated 03.04.2019 and the consequent impugned order No.2708 / Aa2 / 2018 dated 24.09.2019 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.M.Murugan

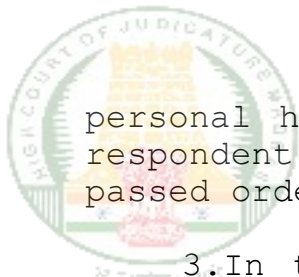
Government Advocate for RR-1 & 2

Mr.T.Lajapathi Roy for R-3

O R D E R

This writ petition has been filed challenging the impugned order No.406/Aa2/2019 dated 03.04.2019 and the consequent impugned order No.2708 / Aa2 / 2018 dated 24.09.2019 on the file of the 1st respondent and to quash the same.

2.In a dispute between the petitioner and the third respondent, this Court by its order dated 27.09.2019 in W.P.(MD).No.20909/2019 directed the first respondent to consider the submission made by both the parties and pass orders, after affording an opportunity of personal hearing to them. Whereas, before the order could reach them, the first respondent has passed order on 24.09.2019 itself. Perusal of the order reveals that opportunity of hearing was not afforded to the petitioner, as they did not contact the Office of the first respondent. Such conduct is not appreciable. Principles of natural justice should be adhered by the Quasi Judicial Authority, whenever, he disposes of the matter. He need not wait for the complainant or aggrieved party approaches him asking for



personal hearing. Since it is an in-built requirement, the first respondent should have issued a notice to the stake holder and passed order, after giving an opportunity of personal hearing.

3.In the instant case, principles of natural justice had been totally violated. In view of the same, the impugned order No.2708 / Aa2 / 2018, dated 24.09.2019 on the file of the 1st respondent is set aside. The first respondent is directed to re-do the exercise, after giving opportunity to the parties concerned and pass orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

4.Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

Vs

To

1.The District Registrar (Administration)
Palayamkottai, Tirunelveli District.

2.The Chief Educational Officer,
Tuticorin District, Tuticorin.

+1 CC to SPL GP (SR-94262[F] dated 24/10/2019)

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-94168[F] dated 24/10/2019)

W.P. (MD) No.22471 of 2019
23.10.2019

VB(06.11.2019) 2P 5C