

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.34955 of 2007
and M.P.No.1 of 2007

R.Pachiammal

...Petitioner

.Vs.

The Block Development Officer (Block Panchayat)
Nallampalli Panchayat Union,
Nallampalli, Dharmapuri District.

...Respondent

PRAYER : Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned order of the respondent in Na.Ka.No.4142-2007-A6 dated .10.2007 and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.P.Mohan Raj

For Respondent : Mr.K.Magesh
Special Government Pleader

ORDER

(The case has been heard through Video Conferencing)

This Writ Petition has been filed challenging the impugned order of the respondent in Na.Ka.No.4142-2007-A6 passed in October, 2007 and quash the same insofar as the petitioner is concerned.

2. The learned counsel appearing for the petitioner would submit that without giving any prior notice to the petitioner, the respondent passed an order of recovery, which warrant interference.

3. Learned Special Government Pleader appearing for the respondent has accepted the submission made by the learned counsel for the petitioner that no prior notice was issued to

the petitioner before passing the order of recovery.

4. Considering the above submission made by the learned counsel on either side, since the recovery order was passed without giving any notice and without giving any opportunity to the petitioner to give his explanation, the recovery order passed by the respondent in Na.Ka.No.4142-2007-A6 is set aside. The respondent is directed to give notice to the petitioner before passing an order of recovery and after getting explanation from the petitioner, pass order in accordance with law.

5. With the above direction, this Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Block Development Officer
(Block Panchayat)
Nallampalli Panchayat Union,
Nallampalli, Dharmapuri District.

+1cc to Mr.K.Magesh, Advocate, S.R.No.42428

W.P.No.34955 of 2007

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