

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.23502 of 2014

and

M.P.Nos.1 to 3 of 2014

M.Tharabai

W/o.Mohanavelu

D.No.4/70, Panangattur Village

Neriyampattu Post

Ambur Taluk, Vellore District.

...Petitioner

Vs.

1.The Thasildar
Ambur Taluk
Vellore District.

2.The Thasildar
Vaniyambadi Taluk
Vaniyambadi
Vellore District.

3.The Sub-Collector
Tiruppattur
Vellore District.

4.The District Collector
Vellore District
Vellore.

5.The Panchayat President
Kailasagiri Village Panchayat
Pernambut Union
Vellore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order vide Na.Ka.No.A3/3278/2013 dated 10.07.2014 passed by the 3rd respondent and quash the same and direct the respondents not to interfere with the peaceful possession and enjoyment of the land in S.No.359/2 measuring an extent of 6.5 ares and S.No.359/3 measuring an extent of 11.0 ares, total extent of 43 cents situated at Kailasagiri Village, Ambur Taluk, Vellore District.

For Petitioner : Mr.M.Jagadeesan
for Mr.S.Jayakumar

For Respondents: Mr.R.Govindasamy
Special Government Pleader
for R1 to R4

O R D E R

This writ petition is filed challenging the order of the 3rd respondent cancelling patta issued in favour of the petitioner in respect of the subject matter land, based on the complaint given by a third party.

2. Heard both sides.

3. The main grievance of the petitioner is that the impugned order was passed in total violation of principles of natural justice as neither the petitioner was issued with any notice nor the third respondent had conducted any enquiry before passing the impugned order. Therefore, it is contended that on the sole ground of violation of principles of natural justice, the impugned order cannot be sustained.

4. Mr.R.Govindasamy, learned Special Government Pleader for the respondents 1 to 4 though contended that the impugned order has given the reasons for cancelling the patta, has however, fairly admitted that the impugned order was passed without issuing notice to the petitioner. He further submitted that though notice was not issued, field enquiry was conducted and only thereafter, the impugned order was passed.

5. A careful perusal of the impugned order would show that the same was passed without issuing notice to the petitioner. Even though it is stated in the impugned order that field inspection was conducted before passing the impugned order, in my considered view that itself is not sufficient for passing the impugned order without putting the petitioner on notice and hearing the objections on the complaint received against her in respect of the subject matter patta. Therefore, I find that the impugned order was passed in violation of principles of natural justice. However, this Court makes it very clear that it is not going into the merits of the reasons stated in the impugned order, as this Court is inclined to remit the matter back to the third respondent for passing fresh order, after giving opportunity of hearing to the petitioner.

6. Accordingly, this Writ Petition is allowed and the impugned order is set aside. Consequently, the matter is

remitted back to the third respondent for passing fresh orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioner and other interested parties, if any. The third respondent shall pass such order as directed supra, within a period of twelve weeks from the date of receipt of a copy of this order. Until fresh order is passed by the third respondent, the status quo as on today shall be maintained by the respective parties. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Thasildar
Ambur Taluk
Vellore District.
- 2.The Thasildar
Vaniyambadi Taluk
Vaniyambadi
Vellore District.
- 3.The Sub-Collector
Tiruppattur
Vellore District.
- 4.The District Collector
Vellore District
Vellore.

+1 CC to Government Advocate sr 33894.

SSI (CO)
SP(11/11/2020)

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