



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.9065 of 2012

and

M.P(MD)No.2 of 2012

WEB COPY

A.Kannabiran

.. Petitioner

Vs.

The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records in Impugned order in U.P.(A3) 6862/2008, dated 15.02.2010, issued by the respondent, quash the same and pass such further or other orders.

For Petitioner	: Mr.M.V.Venkataseshan
For Respondent	: Mr.M.Pandiarajan, Additional Government Pleader.

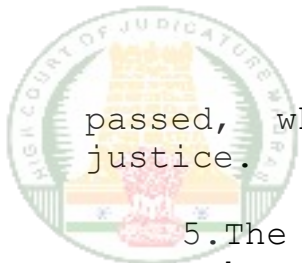
ORDER

This writ petition is filed to quash the impugned order in U.P.(A3) 6862/2008, dated 15.02.2010, issued by the respondent.

2.Heard Mr.M.V.Venkataseshan, learned counsel appearing for the petitioner and Mr.M.Pandiarajan, learned Additional Government Pleader, appearing for the respondent.

3.According to the petitioner, he purchased the nanja land admeasuring 0.58.5 hectares (1.45 acres) comprised in S.No.498/5, Elanthaikulam Village, Konthagai Group, Manamadurai Taluk, Sivagangai District, from one Mariyam Beevi, vide registered sale deed, dated 15.09.2009. The patta in respect of the said property stood in his vendor's name from the year 1982. Therefore, he submitted a petition to the Tahsildar, Manamadurai, for mutation of patta in his name. The Tahsildar, Manamadurai, on 11.06.2012, handed over a copy of the proceedings, dated 15.02.2010, issued by the respondent, wherein it is stated that the assignment, dated 06.11.1982 said to have been made in favour of his vendor, has been cancelled. Challenging the same, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner submitted that without affording an opportunity of hearing to the vendor of the land, the respondent has cancelled the assignment. The learned counsel for the petitioner submitted that the respondent has not afforded an opportunity of hearing to the petitioner, the impugned order has been



passed, which is in violation of the principles of natural justice.

5.The learned Additional Government Pleader appearing for the respondent is not in a position to place the materials before this Court as to whether the respondent has granted an opportunity of hearing to the petitioner before passing the impugned order.

6.A perusal of the impugned order passed by the respondent, it is found that in the reference column, the complaint preferred by the President, Elanthaikulam Village, dated 28.07.2008 and the proceedings of the Tahsildar, Manamaudrai, dated 21.10.2008 and related materials, were mentioned. Except that, there is no mentioning about the opportunity granted to the vendor of the petitioner or to the petitioner. Therefore, at the admission stage, this Court granted an order of interim stay. Even an opportunity was granted to the respondent, no counter was filed on the side of the respondent. On a perusal of the impugned order and available materials, this Court found that no notice has been served to the vendor of the petitioner or to the petitioner, while passing the impugned order and therefore, without providing opportunity of hearing to the vendor of the petitioner or to the petitioner, the respondent has passed the impugned order, which is in violation of principles of natural justice. As per the principle '*audi alteram partem*', due opportunity should be given to the aggrieved persons. Hence, this Court has no hesitation to quash the impugned order on the aforesaid ground and remand the matter back to the respondent.

7.Accordingly, the impugned order, dated 15.02.2010, passed by the respondent, is quashed and the matter is remanded back to the respondent and the respondent is directed to pass fresh orders on merits and in accordance with law after affording due opportunity of hearing to the petitioner and interested parties, if any, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8.With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

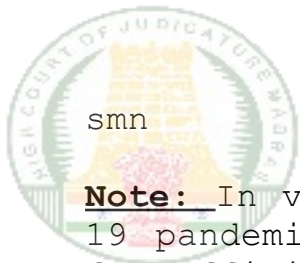
Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

+1 CC to Mr.M.V.VENKATASESHAN, Advocate (SR-17013[F] dated 16/09/2020)

+1 CC to SPL GP (SR-17146[F] dated 16/09/2020)

**ORDER MADE IN
W.P (MD) No. 9065 of 2012
15.09.2020**

SCR(CO)
KM (23.09.2020) 3P 4C