



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.13589 of 2017

and

W.M.P. (MD)No.10618 of 2017

WEB COPY

M.Seenivasan

... Petitioner

Vs

1.The District Collector,
Virudhunagar District.

2.The Block Development Officer,
Thiruchuli,
Ma.Reddiyapatty,
Virudhunagar District.

3.Rajammal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order vide Na.Ka.A9/2207/06 dated 31.05.2017 passed by the second respondent and quash the same as illegal and consequently directing the respondents 1 and 2 to permit the petitioner to continue the well work by allotting the fund.

For Petitioner : Ms.V.Karthigaipriya

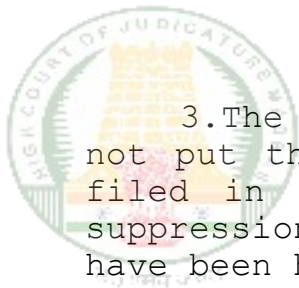
For R1 : Mr.M.Rajarajan
Government Advocate

For R2 : Mr.R.Anandharaj,
Government Advocate.

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocates appearing for R1 & R2.

2.The petitioner was awarded civil contract work for digging a well under MGNREGS scheme. The order to that effect was issued on 29.12.2016. The same was cancelled by the impugned order dated 31.05.2017. The reason set out in the impugned order is that in respect of land in question, a civil suit has been instituted by the third respondent in O.S.No.34 of 2015 on the file of the Sub Court, Aruppukottai.



3.The Second respondent before passing impugned the order has not put the petitioner on notice. The petitioner in the affidavit filed in support of the writ petition stated that there is no suppression on his part. Be that as it may, the petitioner ought to have been heard before passing the impugned order.

4.In that view of the matter, the impugned order is quashed and the writ petition is allowed. The matter is remitted back to the second respondent to pass orders afresh in accordance with law. The second respondent before passing such orders, will hear not only the petitioner but also the third respondent herein. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dss/ias

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:

- 1.The District Collector,
Virudhunagar District.
- 2.The Block Development Officer,
Thiruchuli, Ma.Reddiyapatty,
Virudhunagar District.

+1 CC to M/s.GP (SR-13986[F] dated 13/08/2020)

W.P. (MD)No.13589 of 2017

and

W.M.P. (MD)No.10618 of 2017

12.08.2020

CS (25.08.2020) 2P 4C