

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.Nos.6500 and 6501 of 2011

Ambika

W/o.Venkatesan

... Petitioner in W.P.No.6500 of 2011

Pitchamani

S/o.Ganesan

... Petitioner in W.P.No.6501 of 2011

Vs.

1.State of Tamil Nadu rep by its
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai-600 009.

2.The District Collector,
Vellore District.

3.The Special Revenue Inspector,
Adi Dravidar Welfare Department,
Thirupathur Division,
Vellore District.

4.The Special Tahsildar,
Adi Dravidar Welfare Department,
Thirupathur Division,
Vellore District.

... Respondents in both W.Ps

Common Prayer: Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the proceeding bearing ka 10/6323/10 dated 24.09.2010 issued by the second respondent and quash the same as null and void and consequently forbear the respondents from revoking the patta assigned to the petitioner under the "Harijan Welfare Scheme".

For Petitioner : No appearance
(In both W.Ps)

For Respondents: Mr.M.Vengadeshkumar
(In both W.Ps) Government Advocate

COMMON ORDER

The writ petitions have been filed for issuing a Writ of Certiorarified Mandamus, to call for the records of the proceeding bearing ka 10/6323/10 dated 24.09.2010 issued by the second respondent and quash the same as null and void and consequently forbear the respondents from revoking the patta assigned to the petitioner under the "Harijan Welfare Scheme".

2.By the impugned order, the assignment patta issued in favour of the petitioner in both cases, were canceled. Though the petitioners have raised several grounds, the main grievances of the petitioners is that the second respondent before passing the order did not issue any show cause notice to the petitioners and no enquiry was conducted by the third respondent or any other respondent. Further, there is no reference to the enquiry conducted by the concerned officer of Adi Dravidar Welfare Department.

3.From the reading of the impugned order, it is seen that there is no reference to any show cause notice issued to the petitioners. The respondent though states that notice was issued to the petitioners before passing the impugned order, no material is produced to prove the same.

4.In such circumstances, this Court is of the view that the impugned order is liable to be quashed on the ground that is violation of the principles of natural justice. It is open to the petitioner to initiate proceedings to cancel the patta or assignment given in favour of persons if they are not entitled to. However that can be done only after issuing show cause notice and hearing the persons affected.

5.Accordingly, the writ petitions are allowed and the impugned order is set aside. No Costs.

सत्यमेव जयते
s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

tta

Copy to

- 1.Secretary to Government,
Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai-600 009.

2.The District Collector,
Vellore District.

3.The Special Revenue Inspector,
Adi Dravidar Welfare Department,
Thirupathur Division,
Vellore District.

4.The Special Tahsildar,
Adi Dravidar Welfare Department,
Thirupathur Division,
Vellore District

+1 CC to The Government Pleader sr 6292.

W.P.Nos.6500 and 6501 of 2011

AAB(CO)
SP(16/03/2021)



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