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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NOS.25018 AND 25021 OF 2021
AND
W.M.P.NOS.26344 AND 26350 OF 2021

E.Ayyappan

... Petitioner in
W.P.No.25018 of 2021

1. P.Munusamy
2. M.Vennila
3. M.Jaganathan
4. A.Murugesan

... Petitioner in
4.W.P.No.25021 of 2021

.Vs.

1. The Revenue Divisional Officer,
Harur Taluk,
Dharmapuri District.
2. The Tahsildar,
Harur Taluk,
Dharmapuri District.
3. The Tahsildar,
Thandrapattu Taluk,
Tiruvannamalai District.

... Respondents in
both petitions

COMMON PRAYER :

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent in Na.Ka.No.3605/2021/a5 dated 30.10.2021 and quash the same and consequently remand back to the first respondent to hold fresh enquiry in accordance with law.



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IN BOTH PETITIONS

For petitioner : Mr.L.P.Shanmugasundaram

For respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

We have heard Mr.L.P.Shanmugasundaram, learned counsel for the petitioners and Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the respondents.

2. This Writ Petition has been filed challenging the impugned order passed by the first respondent in Na.Ka.No.3605/2021/a5 dated 30.10.2021, wherein the community certificate issued in favour of the petitioners was cancelled by the first respondent.

3. The learned counsel appearing for the petitioners Mr.L.P.Shanmugasundaram would argue that the petitioners were not put on notice and no enquiry was conducted before cancellation of the community certificate, hence, on the ground of violation of principles of natural justice, the impugned order is liable to be set aside.

4. Though the learned Special Government Pleader appearing for the respondents Mr.K.V.Sajeev Kumar would state that the petitioners were served on notice, a perusal of the records would reveal that the petitioners were not issued with any notice before cancellation of the community certificate.

5. In the light of the above, we are of the considered view that order impugned in these writ petitions is liable to be set aside. Accordingly, the impugned order passed by the first respondent in Na.Ka.No.3605/2021/a5 dated 30.10.2021 is set aside and the matter is remanded back to the first respondent. The first respondent shall pass an order afresh after affording opportunity of personal hearing to the petitioners.



6. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Revenue Divisional Officer,
Harur Taluk,
Dharmapuri District.
2. The Tahsildar,
Harur Taluk,
Dharmapuri District.
3. The Tahsildar,
Thandrapattu Taluk,
Tiruvannamalai District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.64148
+1cc to the Government Pleader, S.R.No.64330

W.P.NOS.25018 AND 25021 OF 2021
AND W.M.P.NOS.26344 AND
26350 OF 2021

KSM(CO)
PBS/16/12/2021