

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. NO. 19724 OF 2017
AND W.M.P. NOS.21277 OF 2017 & 23163 OF 2020

S.N.Palanisamy

...Petitioner

Vs

1.The Revenue Divisional Officer,
Udumalpet, Tiruppur District.

2.The Assistant Commissioner
(Land Reforms), Collectorate,
Coimbatore, Coimbatore District.

3.The Tahsildar,
Madathukulam Taluk,
Madathukalam,
Tiruppur District.

4.The District Collector,
Tiruppur District, Collectorate,
Palladam Main Road,
Tiruppur - 641 604.

...Respondents

(R4 impleaded vide order dated 16.10.2020 made in W.M.P.
No.17134/2020 in W.P. No.19724 of 2017)

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.154/2017/A2, dated 28.02.2017 and quash the same.

For Petitioner : Mr. Ananda Gomathy

For Respondents 1-4 : Mrs. A.Madhumathi

Special Government Pleader

O R D E R

This Writ Petition has been filed for issuance of Writ of Certiorari calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.154/2017/A2, dated 28.02.2017 and quash the same.

2. Learned Special Government Pleader appearing for the respondents conceded that before passing impugned order, no notice was issued to the petitioner whose name was found in the revenue records as pattadhar. In such circumstances, the impugned order is liable to be quashed on the short ground of violation of principles of natural justice. In case if the first respondent wants to initiate proceedings either for cancellation of patta or for removal of name of petitioner from the revenue records, it is open to the first respondent to initiate fresh proceedings after issuing notice to the petitioner and others interested and to pass orders on merits and in the manner known to law.

3. Accordingly, the Writ Petition is allowed and the order passed by the first respondent in proceedings Na.Ka.No.154/2017/A2, dated 28.02.2017, is hereby quashed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

bkn

To

1.The Revenue Divisional Officer,
Udumalpet, Tiruppur District.

2.The Assistant Commissioner
(Land Reforms), Collectorate,
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+1cc to Government Pleader, Sr.No.5746

W.P. No. 19724 of 2017

PL(CO)

KKV/17/03/2021