



WEB COPY

W.P.(MD)No.13487 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.13487 of 2021

and

W.M.P(MD).Nos.10433 and 10434 of 2021

Shanmugavel

... Petitioner

Vs.

The Revenue Divisional Officer,
Palani,
Dindigul District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order of the respondent through his proceedings in Na.ka.No.4668/2021/A6 dated 22.07.2021 and quash the same.

For Petitioner	: Mr.D.Venkatesh.
For Respondent	: Mr.P.Subbaraj, Counsel for State

O R D E R

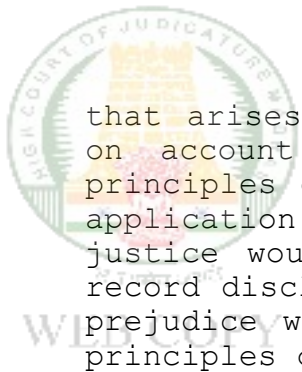
The petitioner assails an order bearing Na.Ka.No.4668/2021/A6 dated 22.07.2021 of the Revenue Divisional Officer whereby the patta issued to the predecessors in title of the petitioner was cancelled.

2.The petitioner states that he purchased properties in Survey Nos.145/316 and 145/317, Sinthalapatti Village, from one Mrs.Selvi and Mr.Thandapani. It is stated that such properties were purchased by sale deeds dated 14.06.2021 bearing document Nos.1097 and 1098 of 2017. In spite of the fact that the petitioner acquired such properties as early as in June 2017, the petitioner contends that the Revenue Divisional Officer cancelled the patta issued to his predecessors in title under the impugned proceedings without providing an opportunity to the petitioner.

3.Learned counsel for the petitioner contends that the impugned order is vitiated on account of violation of the principles of natural justice. In addition, he contends that the sale of the property in question was not in violation of the terms of allotment inasmuch as the patta that was given was not an assignment patta. He refers to the document at page Nos.1 and 2 of the typed set in support of his contention.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the sole respondent. He submits that the patta was cancelled in view of the violation of the terms thereof, which prohibit the allottee from transferring such property.

5.Upon considering the aforesaid submissions, the limited question



that arises for consideration is whether the impugned order is vitiated on account of violation of the principles of natural justice. The principles of natural justice are not inflexible and would vary in their application depending on the context. Indeed, the principles of natural justice would not come to the rescue of a party in case the facts on record disclose conclusively that no other outcome is possible or that no prejudice would be caused to the person complaining of violation of the principles of natural justice.

6. In the case at hand, the petitioner contends that the terms and conditions of the patta issued to the predecessors-in-title of the petitioner do not restrain them from alienating the relevant property. Although this contention could have raised by such predecessors-in-title, the admitted position is that they did not have a stake in the matter when the impugned order of 22.07.2021 came to be passed. In such facts and circumstances, it cannot be definitively concluded that no other outcome was possible even if the petitioner was provided an opportunity of hearing. The impugned order evidences that the predecessors-in-title of the petitioner were heard and also records their statements that they had transferred the property to the petitioner herein. In fact, the petitioner's name and description is contained in their statements. Therefore, the respondent should have provided an opportunity of hearing to the petitioner before deciding the matter.

7. For reasons set out above, the impugned order dated 22.07.2021 is quashed exclusively on the ground that principles of natural justice were not complied with. Consequently, the matter is remanded to the respondent for *de novo* determination after providing notice and reasonable opportunity to the petitioner herein.

8. W.P.(MD).No.13487 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD).Nos.10433 and 10434 of 2021 are closed.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Revenue Divisional Officer,
Palani,
Dindigul District.

+1CC to The Special Government Pleader (SR25361)

W.P. (MD) No.13487 of 2021
04.08.2021

SS III

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