



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22068 of 2019

and

W.M.P. (MD)Nos.18836 and 21852 of 2019

WEB COPY

M.Ponraj

... Petitioner

Vs.

The Special Officer/
Block Development Officer (VP),
Kovilpatti Panchayat Union,
Thoothukudi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the respondent in pursuant to the impugned order passed by him in his proceedings Thi.3/750/2019 dated 11.10.2019 and quash the same as illegal and arbitrary.

For Petitioner : Mr.G.Thalaimutharasu
For Respondent : Mrs.J.Padmavathi Devi,
Special Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is the owner of the shops that are subject matter of the impugned order. The shops were assessed to property tax. Since, certain complaints were received, the respondent issued notice dated 30.09.2019 calling upon the petitioner to appear on 09.10.2019. It is stated that notice itself was received only on 10.10.2019. It is seen from the postal cover that the notice was despatched only on 03.10.2019. Therefore, it is quite probable that the notice was received by the petitioner only on 10.10.2019 and a positive averment has been made to this effect in the affidavit filed in support of the writ petition. In as much as the impugned order was passed on 11.10.2019 without granting opportunity of hearing to the petitioner herein, the same is set aside. The matter is remitted to the file of the respondent. The petitioner is given three weeks from the date of receipt of a copy of this order to offer his objections. Thereafter, the respondent will grant personal hearing to the petitioner and thereafter pass orders afresh in accordance with law.



3.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

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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:

The Special Officer/
Block Development Officer (VP),
Kovilpatti Panchayat Union,
Thoothukudi District.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-13428[F] dated 24/03/2021)

W.P (MD) No.22068 of 2019
23.03.2021

RK (24.04.2021) 2P 3C