



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.2361 of 2022

and

W.M.P. (MD) .No.2045 of 2022

1.Kaliammal

2.Kamalam

3.Meena

4.Natchimuthu

... Petitioners

Vs.

1.The District Collector,
Dindigul,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Tahsildar,
Dindigul West,
Dindigul,
Dindigul District.

4.Paramasivam

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.7452/2021/A1 dated 09.01.2022 and quash the same as illegal, arbitrary and in violation of principles of natural justice.

For Petitioners : Mr.B.Saravanan

For R-1 to R-3 : Mr.M.Lingadurai
Special Government Pleader.



ORDER

This Writ Petition has been filed challenging an order dated 09.01.2022 passed by the second respondent under which the assignment pattas granted to the petitioners have been cancelled.

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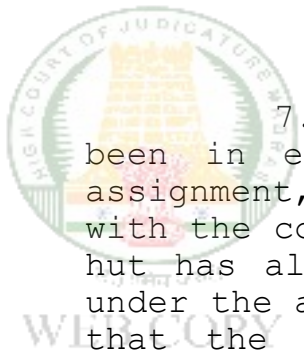
2. The assignment pattas were issued in the name of all the petitioners in the year 2002 on 12.07.2002. It is the case of the petitioners that they were in peaceful possession and enjoyment of the property involved in the assignment pattas ever since 2002. According to them, on 28.12.2021, they received a notice from the second respondent calling them for an enquiry on 04.01.2022 with regard to the cancellation proceedings. According to the learned counsel for the petitioners, the petitioners appeared on 04.01.2022 before the second respondent and sought further time. Thereafter, they have also given a representation on 07.01.2022 seeking further time to produce records. But, according to the petitioners, arbitrarily and by not adhering to the principles of natural justice, the second respondent has passed the impugned order dated 09.01.2022 cancelling the assignment pattas granted in favour of the petitioners in the year 2002.

3. It is also the case of the petitioners that the second respondent was the person who inspected the petitioners' property and she is the very same person who has passed the impugned order and on that ground also, the petitioners have challenged the impugned order dated 09.01.2022.

4. Heard Mr.B.Saravanan, learned counsel for the petitioners and Mr.M.Lingadurai, learned Special Government Pleader, who takes notice for the respondents 1 to 3.

5. Admittedly, the assignment pattas granted in favour of the petitioners are dated 12.07.2002. On the ground that the petitioners have violated the terms and conditions of the assignment pattas by not constructing a hut within a period of six (6) months from the date of the assignment, the second respondent has initiated proceedings against the petitioners for cancellation of the assignment pattas. The second respondent has issued a notice of enquiry to the petitioners on 28.12.2021 calling them for enquiry with regard to the cancellation proceedings on 04.01.2022. The petitioners have appeared before the second respondent and sought further time to submit records and to submit their reply.

6. As seen from the typed set of papers, the petitioners have also given a representation on 07.01.2022 requesting further time for production of records or documents in support of their contentions. But, on 09.01.2022 itself, the impugned order has been passed by the second respondent cancelling the assignment pattas granted in favour of the respective petitioners in the year 2002.



7. It is also the case of the petitioners that they have been in enjoyment of the property ever since the date of the assignment, that is from the year 2002 and they have also complied with the conditions under the assignment pattas. According to them, hut has also been put up within the stipulated time as stipulated under the assignment pattas. It is also the case of the petitioners that the second respondent, who had inspected the petitioners' property has herself passed the impugned order dated 09.01.2022. According to the petitioners, the order passed by the second respondent is arbitrary and illegal and the second respondent has also not adhered to the principles of natural justice while passing the impugned order.

8. The facts with regard to the notice of enquiry dated 28.12.2021 and the hearing on 04.01.2022 as well as the passing of the impugned order dated 09.01.2022 have not been disputed. Within a period of ten (10) days from the date of the notice of enquiry, the impugned order has been passed. The petitioners were admittedly granted assignment pattas in the year 2002 and they claim that they are in peaceful possession and enjoyment of their respective properties ever since the date of the assignment pattas.

9. As this being the case, the second respondent ought to have given a fair hearing to the respective petitioners before cancelling the assignment pattas granted in their respective favours in the year 2002. For the foregoing reasons, it is clear that principles of natural justice have been violated by the second respondent while passing the impugned order dated 09.01.2022. Therefore, the impugned order will have to be quashed and the matter will have to be remanded back to the second respondent for fresh consideration.

10. Accordingly, the impugned order dated 09.01.2022 passed by the second respondent herein is quashed and the matter is remanded back to the second respondent for fresh consideration. The second respondent shall issue a fresh notice of hearing to the respective petitioners and after affording a fair hearing to them and other necessary parties, pass final orders on merits and in accordance with law thereafter.

11. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

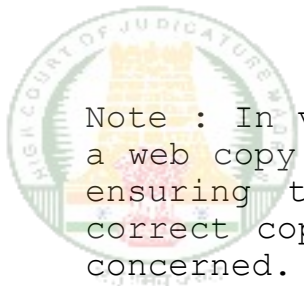
Sd/-

Assistant Registrar (AD-I)

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/ /2022

Sub Assistant Registrar(CS)



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To

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- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
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Dindigul District.

+1 CC to M/s.SPL.GP (SR-5022[F] dated 09/02/2022)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-5095[F] dated 09/02/2022)

W.P. (MD) .No.2361 of 2022
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RK(21/02/2022) 4P 6C