



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.6078 of 2022

and

W.M.P. (MD) .Nos.4733 and 4734 of 2022

Venkadesan

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer,
Thanjavur District,
Thanjavur.

3.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

4.The Tahsildar,
Taluk Office,
Thiruvadaimaruthur,
Thanjavur District.

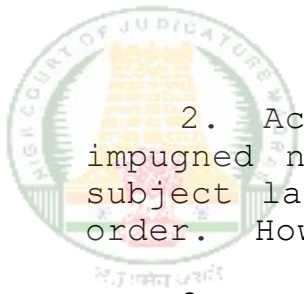
... Respondents

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 of the impugned notice Na.Ka.4889/2020-A3, dated 18.03.2022, issued by the third respondent and quash the same.

For Petitioner	:	Mr.R.Murugappan
For Respondents	:	Mrs.S.Jeyapriya, Government Advocate.

ORDER

This Writ Petition has been filed challenging the impugned notice dated 18.03.2022 issued by the third respondent calling upon the petitioner to submit his explanation as regards the alleged non-adherence to the terms and conditions of the assignment which was earlier granted to the petitioner by the fourth respondent.



2. According to the third respondent, as seen from the impugned notice, the petitioner is not cultivating crops in the subject land which is one of the conditions under the assignment order. However, the same was disputed by the petitioner.

3. According to the petitioner, there is no condition imposed under the assignment order that the petitioner will have to cultivate crops. It is also his contention that already a similar notice was issued by the fourth respondent on 25.08.2021 which was responded to by the petitioner on 09.09.2021. According to the petitioner, no final orders have been passed in the proceedings initiated by the fourth respondent. It is his contention that a similar notice cannot be issued by the third respondent.

4. Admittedly, no final orders have been passed against the petitioner. The petitioner has challenged only a notice calling upon him to submit his explanation with regard to the alleged violation of the terms and conditions of the assignment which was earlier granted in favour of the petitioner. According to the petitioner, he has not committed any violation and further, it is his case that the reason given for issuing the impugned notice, namely, that the petitioner will have to cultivate crops, is not a condition imposed under the assignment order. The petitioner has already submitted his explanation to the impugned notice on 30.03.2022. Instead of waiting for the final order to be passed by the third respondent, the petitioner has prematurely filed this Writ Petition, as no adverse order has been passed against him till date.

5. It is settled law that a show cause notice can be challenged through a Writ Petition only if the same has been issued without jurisdiction or without authority under law. Here is a case where the notice has been issued on the ground that the petitioner has violated the terms and conditions of the assignment. Though the same is disputed by the petitioner and since no final orders have been passed, the present Writ Petition has been filed prematurely.

6. In case of any violation of the terms and conditions of the assignment, the respondents are having the authority under law to issue any notice to the assignee seeking for cancellation of the assignment. Hence, the impugned notice calling upon the petitioner to submit his explanation with regard to the alleged violation of the terms and conditions of the assignment, cannot be considered to be improper.

7. However, the objections raised by the petitioner in his reply dated 30.03.2022 has to be necessarily considered by the respondents in the final order to be passed by them, after affording a fair hearing to the petitioner including granting him the right of personal hearing and also permitting him to produce



all relevant documents/records in order to substantiate his claim that he has not committed any violation.

8. For the foregoing reasons, this Writ Petition is disposed of by directing the third respondent to pass final orders on the impugned notice dated 18.03.2022 after giving due consideration to the objections raised by the petitioner in his reply dated 30.03.2022 and also by granting him the right of personal hearing and also by permitting him to produce all relevant documents/records to substantiate his case that he has not violated any of the terms and conditions of the assignment. The third respondent is directed to pass final orders within a period of four (4) months from the date of receipt of a copy of this order by adhering to the aforementioned directions. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Lm

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

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
Thanjavur District,
Thanjavur.



3.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

4.The Tahsildar,
Taluk Office,
Thiruvadaimaruthur,
Thanjavur District.

+1 CC to M/s.SPL.GP (SR-16720[F] dated 05/04/2022)

W.P. (MD) .No. 6078 of 2022
04.04.2022

PA(12.04.2022) 4P 6C