



W.P.(MD).No.18484 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.18484 of 2019

and

W.M.P.(MD).Nos.14892, 14893 and 14894 of 2019

1.A.Aarayee Ammal

2.A.Narayanan

3.A.Raj

4.A.Selvakumar

... Petitioners

Vs.

1.The Commissioner of Land Administration,
Ezhilagam,
Chennai.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Elayangudi Taluk,
Sivagangai District.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, by calling for the records of second respondent's impugned order dated 15.05.2006 in Na.Ka.C2-33877-99 and quash the same insofar as the petitioners' agricultural land to an extent of 4.95 acres comprised in Survey No.193/95 and house constructed in S.No.193/75 for an extent of 5 cents both in Keelayur Group Village, Elayangudi Taluk, Sivagangai District and to permit the petitioners to continue to live in the house and cultivate their land.

For Petitioners : Mr.G.Thalaimutharasu
for Mr.M.Mohanasundaram
For Respondents : Mr.M.Sarangan,
Additional Government Pleader.

ORDER

Heard the learned counsel on either side.

2. Before passing the impugned order, the petitioners have not been put on notice. The impugned order also does not speak about the same. It is beyond dispute that the impugned order is to the prejudice of the petitioners herein. Therefore, in the very nature of things, they must have been put on notice before such an order was passed. Since there was violation of principles



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of natural justice, the order impugned in the Writ Petition is set aside. This Writ Petition is allowed and the matter is remitted back to the file of the second respondent to pass a fresh order in accordance with law, after putting the petitioners on notice. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

15.07.2022

Index : Yes / No

Internet : Yes/ No

Lm

To

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Chennai.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Elayangudi Taluk,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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