



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.59 of 2017

and

W.M.P. (MD) Nos.39 & 40 of 2017

WEB COPY

M.Vijayavennila

... Petitioner

Vs.

The Revenue Divisional Officer (Incharge),
Sivagangai Backward Class & Minorities Welfare Office,
Revenue Divisional Office,
Sivagangai Post & District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in Ni.Mu.(A3)1386/2012, dated 25.02.2016 on the file of the respondent and quash the same as illegal and against the principles of natural justice.

For Petitioner	: Mr.A.Thiagarajan Senior Counsel for Mr.D.Veerasekaran
For Respondent	: Mr.K.Balasubramani Special Government Pleader

O R D E R

Heard the learned senior counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondent.

2. The petitioner has purchased an assigned property. According to one P.Ramasamy, the purchase by the petitioner was in violation of the assignment terms and conditions. He therefore filed W.P.(MD)No.3010 of 2013. The Hon'ble Division Bench by order dated 19.08.2015 disposed of the said writ petition in the following terms:-

"2.Prayer for cancellation of assignments can be considered and done only by the competent authority. We are not inclined to entertain the writ petition with such a prayer. Restoration of the lands in question to their original position could be considered only after such procedure is adopted and right is created in favour of the Government. In such view of the petitioner, it is open to the District Collector, Sivagangai District, to consider the representation of the petitioner, verify its nature and pass appropriate orders, on merits and in accordance with law,



after affording opportunity of hearing to the petitioner and respondents 5 & 7."

Thereafter, the impugned order dated 25.02.2016 cancelling the assignment came to be passed.

3. The learned Senior Counsel draws my attention to the fact that the Hon'ble Division Bench while disposing the earlier writ petition filed by Ramasamy had specifically directed that the petitioner herein must be heard before any order is passed. It is beyond dispute that the impugned order came to be passed without notice to the petitioner herein.

4. Since the direction given by the Hon'ble Division Bench has not been complied with, the impugned order is vulnerable on that count. It stands quashed. The Writ Petition is allowed. The matter is remitted to the file of the respondent for passing orders afresh in accordance with law by bearing in mind the direction given by the Hon'ble Division Bench. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Rmi

To

The Revenue Divisional Officer (Incharge),
Sivagangai Backward Class & Minorities Welfare Office,
Revenue Divisional Office,
Sivagangai Post & District.

+1 CC to M/s.D. VEERASEKARAN, Advocate (SR-26983[F] dated 21/06/2022)

+1 CC to M/s.SPL.GP (SR-27176[F] dated 21/06/2022)

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