



WEB COPY



WP.No.13777 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

**THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR**

WP.No.13777 of 2017  
and W.M.P.Nos.14962 & 14963 of 2017

P.Vasantha

.. Petitioner

Versus

The Commissioner  
Thalaivasal Panchayat Union  
Thalaivasal Post – 636 112  
Attur Taluk, Salem District

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.2037/2015/A2 dated 22.05.2017 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.V.Nanmaran  
Additional Government Pleader

**ORDER**

This writ petition is filed challenging the order passed by the respondent in his proceedings Na.Ka.No.2037/2015/A2 dated 22.05.2017 and quash the same.

<https://www.mhc.tn.gov.in/judis> 2. The petitioner was allotted a shop in shop No.10 to the extent of



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16x10 by way of proceedings in Na.Ka.No.2037/2015/A2 dated 02.05.2017 at the Respondent Panchayat. According to the petitioner, he has paid the rent regularly, all of a sudden, allotment order was cancelled by way of this impugned Order. Challenging the same, this writ petition.

3. This writ petition has been filed mainly on the ground that without giving any opportunity of hearing to the petitioner, the impugned order has been passed cancelling the allotment order.

4. Mr.V.Nanmaran, learned Additional Government Pleader takes notice for the respondents. Counter has not been filed. This writ petition is of the year 2017. Mr.C.Prakasam, learned counsel for the petitioner would submit that though the impugned order has been passed and challenged before this Court, the petitioner is still continuing in running the shop and the impugned order is passed without giving any opportunity of hearing. Hence, this writ petition.

5. On perusal of the impugned order in Na.Ka.No.2037/2015/A2 dated 22.05.2017 passed by the respondent, the allotment was made during May, 2017. However, without any specific reasons, except stating that due to administrative reasons, the allotment has been cancelled. Before cancelling the



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same, no notice has been issued and no opportunity whatsoever has been given before taking such drastic action.

6. When Order affecting rights of the persons passed without assigning any valid reasons as per law that too without giving an opportunity is in the eye of law is nullity.

7. Such view of the matter, the impugned order is liable to be set aside and this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

09.02.2023

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

The Commissioner  
Thalaivasal Panchayat Union  
Thalaivasal Post – 636 112  
Attur Taluk, Salem District

**N.SATHISH KUMAR, J.**



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