



W.A.(MD) No. 166 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 23.02.2023

Pronounced on : 28.07.2023

CORAM :

**THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR
AND
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

W.A. (MD) No. 166 of 2023

P.Ravichandran

... Appellant

-VS-

1. Sasikala

2. Kanagavalli

3. Manickavalli

4. The Revenue Division Officer
Devakottai
Sivagangai District.

5. The Tahsildar
Thiruppathur Taluk
Sivagangai District.

... Respondents

Prayer:- Appeal under Clause 15 of the Letters Patent against the order dated 04.07.2022 passed in W.P.(MD) No. 13532 of 2012 by the learned Single Judge.

For Appellant : Dr. D.Gnanasekaran

For Respondents : Mr. M.Mahaboob Athiff (for R1)

Mr. P.T.Thiraviyam
Government Advocate (for R4 & R5)



J U D G M E N T

(Judgment of the Court was made by P.D. AUDIKESAVALU, J.)

Heard Dr. D.Gnanasekaran, Learned Counsel for the Appellant, Mr. M.Mahaboob Athiff, Learned Counsel for the First Respondent and Mr. P.T.Thiraviyam, Learned Counsel for the Fourth and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. This intra court appeal invoking Clause 15 of the Letters Patent, 1865, has been preferred against the order dated 04.07.2022 in W.P (MD) No. 13532 of 2012 passed by the Learned Judge of the Court. The parties are hereinafter referred to as per their description in the Writ Petition for clarity and convenience.

3. The Petitioners had been granted natham patta in respect of the land to an extent of 0.00.90, 0.00.84 and 0.00.85 sq.mtrs/hectares in their occupation in S. Nos. 134/24, 134/26 and 134/25 respectively in Thiruvudayarpathi Village, Sivagangai District, but the same had been cancelled by the First Respondent in the Proceedings in PaMu. A3-3603-2012 dated 24.07.2012 at the instance of



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the Third Respondent, who is the President of the Panchayat Union within whose limits the said properties fall. The Writ Court by order dated 04.07.2022 in W.P (MD) No. 13532 of 2012 examined the challenge made to the cancellation of patta and found the decision making process to be in violation of the principles of natural justice inasmuch as the Petitioners had not been heard. In such circumstances, the impugned order was set aside with an observation that if the authorities feel that the land is required for any public purpose, they can approach the Government for appropriate relief. The Third Respondent, who is aggrieved by that order, has preferred this appeal.

4. Learned Counsel for the Third Respondent strenuously canvassed that the grant of the patta to the Petitioners was itself wrongful and the First Respondent had rightly cancelled it on receipt of the complaint made by the Third Respondent and in such circumstances, there was no necessity for interference of the order of cancellation of patta by the Writ Court. In response, the Learned Counsel for the Petitioners submit that the order passed by the Writ Court was perfectly justified and the claim of the Third Respondent to the contrary is without any substance whatsoever.



5. We have carefully examined the rival contention of the Learned Counsel for the Petitioner and Respondents. It is trite law that any administrative action which involves civil consequences must be made consistently with the rules of natural justice, meaning thereby that the person concerned must be informed of the case with supporting evidence against him and he must be given a fair opportunity to meet the case before an adverse decision is taken as held by the Hon'ble Supreme Court of India in *State of Orissa -vs- Binapani Dei* (AIR 1967 SC 1269). The Writ Court did not comment any error in holding that the decision-making process followed by the First Respondent in cancelling the patta of the Petitioners without affording opportunity of prior hearing to them was flawed as it was in violation of the principles of natural justice, which vitiates the entire proceedings.

6. In that view of the matter, there does not appear to be any reason to differ from the conclusion arrived by the Writ Court in that regard. At the same time, it is made clear that the concerned authority is not precluded from taking fresh action against the Petitioners for cancellation of patta, if necessity exists, following the prescribed procedure after affording full opportunity to the Petitioners and all other stake holders in accordance with law, and a reasoned



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order shall be passed dealing with each of the contentions raised on merits and communicated to the parties concerned under written acknowledgment.

In fine, the Writ Appeal, which does not deserve to be entertained, is dismissed with the aforesaid clarifications. No costs.

(D.K.K., J.) (P.D.A., J.)
28.07.2023

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Index : Yes/No

NCS : Yes/No

To

1. The Revenue Division Officer
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Sivagangai District.
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Sivagangai District.



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P.D. AUDIKESAVALU, J.**

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