



W.P.(MD)No.10208 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.10208 of 2021

and

W.M.P.(MD)Nos.7917 of 2021 and 9045 of 2022

Priyadharshini

... Petitioner

-VS-

1.The District Collector,
Pudukkottai District, Pudukkottai.

2.The Revenue Divisional Officer,
Revenue Divisional Office, Illuppur,
Pudukkottai.

3.The Tahsildar,
Ponnamaravadhi Taluk, Pudukkottai District.

4.Dhanendhiran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the second respondent in Na.Ka.No.3249/2019/A3, dated 30.12.2020 and quash the same.

For Petitioner : Mr.K.C.Maniyarasu

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader



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For R4 : Mr.B.Satheshkumar

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ORDER

This Writ Petition has been filed challenging the order passed by the second respondent through proceedings dated 30.12.2020, wherein the assignment that was granted in favour of the petitioner was cancelled.

2. The case of the petitioner is that she was assigned the land in Survey No.701/3, measuring an extent of 0.02.50 Ares. This assignment was made through proceedings dated 28.05.2014. After the assignment was granted, the land was sub-divided and Survey No.701/5 was assigned to the petitioner.

3. The further case of the petitioner is that the fourth respondent gave a complaint before the second respondent and based on the same, an enquiry was ordered and based on the report submitted by the Tahsildar, the second respondent passed the order through proceedings, dated 30.12.2020, cancelling the assignment granted in favour of the petitioner. Aggrieved by the same, the present Writ Petition has been filed before this Court.



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4. Heard the learned counsel appearing on behalf of the petitioner, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and the learned counsel appearing on behalf of the fourth respondent.

5. The main ground that was urged by the learned counsel appearing on behalf of the petitioner is that the impugned order was passed even without putting the petitioner on notice and without affording any opportunity to her. In view of the same, it was contended that the order is in violation of principles of natural justice.

6. The counter affidavit that has been filed by the third respondent shows that the second respondent took into account the report that was given by the third respondent and also the complaint that was made by the fourth respondent and thereafter, the order was passed by cancelling the assignment made in favour of the petitioner.

7. In the considered view of this Court, an assignment has been granted in favour of the petitioner and thereby, a right has been created in her favour



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with respect to the subject property. If such assignment is proposed to be cancelled, the petitioner has to be put on notice and opportunity must be given, failing which, the order will suffer from violation of principles of natural justice. This is what has exactly happened in the instant case.

8. In the light of the above discussion, the impugned proceedings of the second respondent, dated 30.12.2020, is hereby set aside. The matter is remanded back to the second respondent. The second respondent shall issue notice to the petitioner and afford opportunity and thereafter, pass final orders on its own merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

9. In the result, this Writ Petition is allowed with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
smn2

12.12.2023



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To

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N.ANAND VENKATESH, J.

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