



1

W.P.(MD)NO.19166 OF 2014

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 27.07.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.19166 of 2014 AND**  
**M.P.(MD)Nos. 2 of 2014 & 1 of 2015**

Pandarathi

... Petitioner

Vs.

1. The District Collector,  
Thanjavur District,  
Thanjavur.

2. The Revenue Divisional Officer,  
Thanjavur,  
Thanjavur District.

3. The Tahsildar,  
Thanjavur Taluk,  
Thanjavur.

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings issued by the first respondent in Na.Ka.Ma1/9957/2014 dated 15.09.2014 and to quash the same.

For Petitioner : Mr.Arun Prasad

For Respondents : Mr.N.Satheesh Kumar,  
Additional Government Pleader.

\* \* \*



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**ORDER**

Heard the learned counsel on either side.

2. In the year 2000, free house site pattas were issued in favour of as many as 347 beneficiaries. On the ground that the beneficiaries failed to put up residential construction, the assignments were cancelled vide proceedings dated 15.09.2014 issued by the District Collector, Thanjavur. The cancellation order is put to challenge in this writ petition at the instance of one of the assignees.

3. I went through the contents of the impugned order. It is not seen therefrom that notice was issued to the affected persons before passing the impugned order. The learned Additional Government Pleader would however contend that since the assignees had not put up construction, notice was published through alternative modes and that there is no violation of principles of natural justice. He took me through the contents of the counter affidavit filed by the third respondent and prayed for dismissal of the writ petition.



WEB COPY 4. I carefully went through the materials on record.

5. I sustain the contention of the learned counsel appearing for the petitioner that the impugned communication has to be set aside on the sole ground of violation of principles of natural justice. It is well settled that a public order will have to be justified in the light of the recitals and the reasons found therein. It cannot be improved in the form of counter affidavits. It is a well settled proposition. In the impugned order, there are no recitals or averments that notices were served on the assignees or that since they were not available, publication through alternative modes was undertaken. What is not there in the impugned order cannot be supplied in the form of averments in the counter affidavit.

6. In this view of the matter, the order impugned in this writ petition is set aside. This writ petition stands allowed. The benefit of this order will be extended even to the non-petitioners also. However, those who had sold the assigned plots in favour of third parties cannot claim the



benefit of this order. It is open to the first respondent to initiate action afresh if so advised. No costs. Consequently, connected miscellaneous petitions are closed.

**27.07.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
PMU

**To:**

1. The District Collector,  
Thanjavur District,  
Thanjavur.
2. The Revenue Divisional Officer,  
Thanjavur,  
Thanjavur District.
3. The Tahsildar,  
Thanjavur Taluk,  
Thanjavur.



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5

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**G.R.SWAMINATHAN,J.**

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