



W.P.No.21371 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.21371 of 2023
and
W.M.P.No.20776 of 2023

K.Renugarani

... Petitioner

Vs.

1.The District Collector,
Nilgiris District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Koodalur,
Nilgiris District.

3.The Assistant Engineer,
(Operation & Maintenance),
TANGEDCO,
Cherambadi,
Pandalur Taluk,
Nilgiris District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Certiorari, calling for entire records relating to impugned proceedings issued by the 2nd respondent RDOGUD/606/2023/A4NLG dated 24.06.2023 and the consequent impugned order passed by the 3rd respondent



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herein in Letter No.U.Me.Po./O&M/Cherambadi/Ko.Ve/A.No.42 dated 30.06.2023 and quash the same.

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For Petitioner	: Mr.N.Vijaya Raghavan for Mr.N.Sudhagar Nagaraj
For R1 & R2	: Mr.U.Baranidharan Additional Government Pleader
For R3	: Mr.L. Jai Venkatesh Standing Counsel for TANGEDCO

ORDER

The Writ of Mandamus has been instituted to quash the impugned proceedings issued by the 2nd respondent dated 24.06.2023 and the consequential order passed by the 3rd respondent dated 30.06.2023.

2. Mr.N.Vijaya Raghavan learned Counsel for Mr.N.Sudhagar Nagaraj appearing on behalf the petitioner would mainly contend that 'No Objection Certificate' issued by the Tahsildar, Pandalur, has been canceled by the Revenue Divisional Officer unilaterally without affording opportunity to the writ petitioner. The learned Counsel for the petitioner confined his arguments by stating that the 'No Objection Certificate' originally issued was based on facts, which were adjudicated. Therefore, the unilateral cancellation



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is in violation of the Rules of natural justice. In view of the cancellation ordered, consequential order also has been passed by the 3rd respondent in proceedings dated 30.06.2023. Thus the writ petition came to be instituted.

3. Mr.U.Baranidharan, learned Additional Government Pleader appearing on behalf of the 1st and 2nd respondent on instructions made a submission that 'No Objection Certificate' had been canceled without affording any opportunity to the writ petitioner.

4. Thus, the order impugned is directly in violation of the rules of natural justice. Since the cancellation of 'No Objection Certificate' has resulted in Civil consequences, this Court is inclined to entertain the writ petition.

5. Accordingly, the impugned order passed by the 2nd respondent dated 24.06.2023 and the consequential order passed by the 3rd respondent dated 30.06.2023 are quashed and the respondents are directed to conduct a fresh enquiry by affording opportunity to the writ petitioner and by following



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the procedures as contemplated and thereafter, take a decision on merits and in accordance with law as expeditiously as possible.

6. With the above direction, this Writ Petition stands **allowed**. No costs. Consequently, connected miscellaneous petition is closed.

12.04.2024
(1/2)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

- 1.The District Collector,
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Nilgiris District.
- 3.The Assistant Engineer,
(Operation & Maintenance),
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S.M.SUBRAMANIAM,J.

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