



WEB COPY



W.P.Nos.28931 & 28936 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P Nos.28931 & 28936 of 2024

and

WMP.Nos.31577 & 31583 of 2024

Bhuvaneswari

...Petitioner in W.P.No.28931/2024

Manonmani

...Petitioner in W.P.No.28936/2024

Vs.

1.The District Collector
Tiruvallur
Tiruvallur District.

2.The District Revenue Officer
Tiruvallur
Tiruvallur District.

3.The Revenue Divisional Officer
Tiruvallur
Tiruvallur District.

4.The District Adi Dravidar and Tribal Welfare Officer
Tiruvallur District.

5.The Tasildhar
Avadi
Tiruvallur District.



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6.The Special Thasildar
SC & ST Welfare
Ponneri, Tiruvallur District.

...Respondents in all W.Ps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the first respondent's proceedings in Na.Ka.No.24532/2010/J1 dated 02.08.2024 and quash the same.

For Petitioners in
all W.Ps. : Mr.V.Ramesh Babu

For Respondents
in all W.Ps. : Mr.P.Sathish R1 to R6
Special Government Pleader

COMMON ORDER

These Writ Petitions are filed challenging the order passed by the first respondent cancelling the assignment patta issued in favour of the petitioners without hearing the beneficiary.



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2. It is the case of the petitioners that they were issued with free house site patta by the Government of Tamil Nadu by the order dated 19.12.1999. The petitioners were allotted with Plot Nos.161 & 167 in S.No.235 situated at Pothur Village, Avadi Taluk, Tiruvallur District.

3. It is further case of the petitioners that they have been enjoying the property from the date of assignment. It is the further case of the petitioners that they had constructed a hut house in the assignment land and the same was totally damaged by Cyclone. In the mean time, on the complaint made by the some third parties, the first respondent passed the impugned order cancelling the assignment made in favour of the petitioners on the ground that the petitioners failed to construct any house in the assigned land.

4. The learned counsel for the petitioners vehemently contended that before passing the impugned order adverse to the interest of the petitioners they had not been issued with any notice. Therefore, the impugned order is a clear violation of principles of natural justice.



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5. When the matter came up for hearing for admission on 30.09.2024, Mr.P.Sathish, learned Additional Government Pleader had taken notice for the respondents 1 to 6.

6. Today, when the matter is posted for hearing, the respondents are unable to produce any materials to suggest that notice was issued to the petitioners before passing of the impugned order. A perusal of the impugned order also indicates that the same had been passed without notice to the petitioners, only based on the report submitted by the Thasildar. The assignment made in favour of the petitioners ought not to have been cancelled without giving an opportunity to the petitioners to put forth their case.

7. The impugned order is passed by violating the natural justice principles and accordingly, the same is liable to be set aside. Therefore, these Writ Petitions are allowed by setting aside the impugned order passed by the first respondent insofar as the petitioners are concerned and the matter is remitted back to the file of the first respondent with the direction to issue notice to the petitioners and then pass fresh orders after affording reasonable opportunity to the petitioners.



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8. With the above directions, these Writ Petition are allowed as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

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