



W.P.(MD)No.1932 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.1932 of 2021

and

W.M.P.(MD)No.1645 of 2021

S.Subburam

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Block Development Officer (VP),
Office of the Block Development Officer,
Kovilpatti Panchayat Union,
Kovilpatti Town,
Thoothukudi District.
3. The Panchayat President,
Aavalnatham Village Panchayat,
Kovilpatti Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order made on OoNi/1/2019 dated



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25.06.2020 on the file of the second respondent herein and to quash the same as illegal, arbitrary.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.K.Christy Theboral
Additional Government Pleader

ORDER

The Writ Petition is directed against the order dated 25.06.2020 cancelling the permission granted on the very same day by the second respondent.

2. The learned counsel appearing for the writ petitioner would submit that the writ petitioner has applied for approving the unapproved house plot situated in Survey No.656/2 Avalnatham Village, Kovilpatti Panchayat Union and the same was granted vide proceedings of the second respondent dated 25.06.2020 and that on the very same day, the second respondent, without any notice and without hearing the writ petitioner, has passed the impugned order cancelling the earlier order.



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3. The learned Additional Government Pleader appearing for the respondents would submit that since they have received a complaint that civil suit is pending and that the writ petitioner is not the owner of the property in dispute, the permission already granted was ordered to be cancelled. But as rightly pointed out by the learned counsel appearing for the writ petitioner, the complaint allegedly received by the second respondent has not been referred.

4. Admittedly, the writ petitioner was not given any opportunity to canvass his stand before ever passing the impugned order. Hence, this Court has no hesitation to hold that the impugned order in violation of the principles of natural justice cannot legally be sustained. Accordingly, the impugned order dated 25.06.2020 is hereby set aside. The second respondent is directed to give notice to the writ petitioner as well as to all the other interested parties and to pass orders in respect of the complaint allegedly received by the second respondent for cancelling the earlier order within a period of three weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition is disposed of.

Consequently, connected Miscellaneous Petition is closed. No costs.

08.04.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Block Development Officer (VP),
Office of the Block Development Officer,
Kovilpatti Panchayat Union,
Kovilpatti Town,
Thoothukudi District.
3. The Panchayat President,
Aavalnatham Village Panchayat,
Kovilpatti Taluk,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J

csm

Order made in
W.P.(MD)No.1932 of 2021
and
W.M.P.(MD)No.1645 of 2021

Dated : 08.04.2024