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W.P.(MD)NO.5911 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5911 of 2024 AND

W.M.P.(MD)Nos.5559, 5560 & 6992 of 2024

R.Sivasubramani

... Petitioner

Vs.

1. The District Collector,
District Collector Campus,
Theni, Theni District.

2. The Revenue Divisional Officer,
Uthamapalayam, Theni District.

3. The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam, Theni District.

4. V.Nagarathinam

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.7605/2023/A9 dated 02.02.2024 on the file of the third respondent and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Fazil

For R-1 to R-3 : Mr.N.G.A.Nataraj,
Government Advocate.

For R-4 : Mr.F.X.Eugene

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ORDER

Heard both sides.

2. The petitioner challenges the impugned order dated 02.02.2024 passed by the Tahsildar, Uthamapalayam including the fourth respondent herein as joint pattadar. The prime argument of the petitioner's counsel is that the enquiry notice dated 24.12.2023 was received fixing the date of enquiry on 29.01.2024. On the said date, the petitioner had appeared along with the counsel and it is stated that the request was made for adjournment. On 02.02.2024 the impugned order came to be passed. In the impugned order, there is no reference whatsoever as to what transpired on 29.01.2024.

3. If the petitioner had made a request for adjournment and the authority was not inclined to grant him, then a formal order rejecting the petitioner's request should have been passed. Without doing so, the authority cannot straightaway pass the order impugned in the writ petition. On the sole ground of violation of principles of natural justice, the impugned order is set aside and the matter is remitted to the file of the third respondent. The petitioner is directed to appear before the third respondent on 24.04.2024 at 3.00 p.m. Neither the petitioner nor the



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4

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G.R.SWAMINATHAN,J.

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To:

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

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