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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WA No. 1921 of 2023

P.Srinivasan

..Appellant(s)

Vs

1. The Additional Chief Secretary
Secretary and Commissioner of Land
Administration, Ezhilagam, Chepauk,
Chennai 5.
2. The District Collector,
Perambalur District, at Perambalur.
3. The District Revenue Officer,
Perambalur District, at Perambalur.
4. The Revenue Divisional Officer
Perambalur, Perambalur District.
5. The Tahsildar,
Kunnam Taluk, Perambalur District.
6. The Village Administrative
Officer, Sithali West, Kunnam Taluk,
Perambalur District.
7. Sundaram,
S/o.sengan, Peelvadi Village, Kunnam Taluk,
Perambalur District.
8. Thangarasu,
S/o.Kandan, Peelvadi Village, Siththali Post,
Kunnam aluk, Perambalur District.



..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order in W.P.No. 26866 of 2017 dated 06.04.2022.

For Appellant(s): Mr.T.Murugamanickam
Senior Counsel for
Mr.B.Sundarapandian

For Respondent(s): Mr.T.Arunkumar
Additional Government Pleader for R1-6
R7- Died steps due
NA for R8

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The present intra-court appeal under Clause 15 of Letters Patent has been instituted to assail the writ order dated 06.04.2022 passed in WP.No.26866 of 2017.

2. 'Natham' house site to an extent of 0.01.0 Ares in Natham survey No.136/1 was allotted in favour of the appellant/writ petitioner vide assignment proceeding, dated 10.11.1994 under Revenue Standing Order.No.21(7)(ii), subject to terms and conditions as contemplated under the Revenue Standing Orders. The main conditions are that the house to an extent of the measurements mentioned in the schedule to the assignment order with roof made up of coconut leaf or tile shall be constructed within six/twelve months from January, 1994. Several other terms and conditions are stipulated in consonance with the Revenue Standing Orders, and in event of violation, the



competent authorities are empowered to cancel the assignment.

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3. In the present case, the revenue authorities, during the course of inspection found that the appellant has not constructed any residential house as per the conditions stipulated in the assignment order. Thus, initiated action and cancelled the assignment for resuming the Government property and to utilise it for public purposes. The cancellation of assignment came to be challenged in the writ proceedings by the appellant. Since writ petition was rejected, the present appeal preferred.

4. Learned Senior Counsel appearing on behalf of the Appellant would mainly contend that no show cause notice was issued before issuing the cancellation of assignment. That apart, thatched shed was constructed and therefore, it cannot be construed as if the appellant violated the terms and conditions. Regarding the assignment of Government land in favour of the wife of the appellant, learned Senior Counsel would submit that it is incorrect.

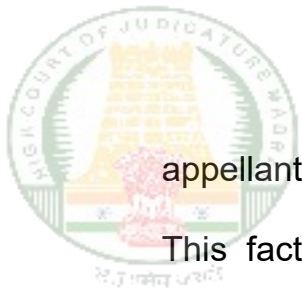
5. Learned Additional Government Pleader would oppose by stating that field inspection was conducted on the land, pursuant to the direction issued by this Court vide order dated 09.09.2016 in WP.No.16091 of 2012. Appellant was aware about the field inspection, and the authorities found that no residential thatched house was constructed within the time limit as stipulated in the assignment order. Assignment was made in the year 1994,



and even during the inspection conducted after 17 years, the land was not utilized for the purpose for which it was assigned under the Revenue Standing Orders. Initially Revenue Divisional Officer conducted a detailed enquiry and found that appellant violated the conditions. The findings of the Revenue Divisional Officer are reiterated and reaffirmed by the District Revenue Officer, Perambalur in his order dated 18.09.2017. Thus, the present writ appeal is to be rejected.

6. This Court has considered the rival submissions between the parties to the lis on hand.

7. Free patta or assignment of Government land at free of cost is granted under the Revenue Standing Orders to the landless poor persons and to protect their livelihood. Therefore, in the event of violation of terms and conditions, the authorities are empowered to cancel the assignment and resume the land. In the present case, admittedly, the assignment was made in the year 1994. Field inspection was conducted pursuant to the order of this Court dated 09.09.2016 in WP.No.16091 of 2012. Appellant was aware of the field inspection, and during the course of enquiry before the Revenue Divisional Officer, the authorities found that the assigned land at free of cost has not been utilised for the purpose for which it was assigned. Authorities found that appellant has not constructed any residential house nor residing in the assigned land. Authorities during the course of verification found that the



appellant/assignee was residing in his ancestral house in some other place.

This fact identified during the field inspection prompted the authorities to initiate action to cancel the assignment. The very fact that appellant is residing in his ancestral house would be sufficient to draw a factual inference that he cannot be construed as a landless poor person within the definition contemplated under Revenue Standing Orders. That apart, Government authorities found that wife of the appellant also secured an assignment of Government land at free of costs. Though the said factum is denied, the cancellation was done on multiple grounds, and that being the factum, the Writ Court has considered these issues elaborately and found that the appellant is not entitled for relief.

8. Routine issuance of show cause notice under the guise of rules of natural justice is unnecessary. Show cause notice must serve its purpose and non-issuance, if caused prejudice to any person, then issuance of show cause notice became mandatory. Thus, Courts are not expected to deal with the matter, merely based on issuance or non-issuance of show cause notice.

9. The legal position on issuance of show cause notice has been settled in numerous judgments has detailed hereunder,

9.1 In the case of ***The Chairman, Board of Mining Examination and Chief Inspector of Mines &Anr. vs. Ramjee***¹, the Hon'ble Supreme Court

¹1977 2 SCC 256.



observes as follows:

“13. Now to the next point.....Natural justice is no unruly horse, no lurking land mine, nor a judicial cure-all. If fairness is shown by the decision-maker to the man proceeded against, the form, features and the fundamentals of such essential processual propriety being conditioned by the facts and circumstances of each situation, no breach of natural justice can be complained of. 'Unnatural expansion of natural justice, without reference to the administrative realities and other factors of a given case, can be exasperating. We can neither be finical nor fanatical but should be flexible yet firm in this jurisdiction. No man shall be hit below the belt--that is the conscience of the matter.

15. These general observations must be tested on the concrete facts of each case and very miniscule violation does not spell illegality. If the totality of circumstances satisfies the Court that the party visited with adverse order has not suffered from denial of reasonable opportunity the Court will decline to be punctilious or fanatical as if the rules of natural justice were sacred scriptures.”

9.2. Similarly in the case of **Managing Director, ECIL, Hyderabad Vs. B. Karunakar**², the Hon'ble Supreme Court has held that the Principles of Natural Justice cannot be applied mechanically without examining whether any prejudice has been caused. The Court held:

“30. v)..... The theory of reasonable opportunity and the principles of natural justice have been evolved to uphold the rule of law and to assist the individual to vindicate his just rights. They are not incantations to be invoked nor rites to be performed on all and

²(1993) 4 SCC 727: CDJ 1993 SC 1062.



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sundry occasions. Whether in fact, prejudice has been caused to the employee or not on account of the denial to him of the report, has to be considered on the facts and circumstances of each case. Where, therefore, even after the furnishing of the report, no different consequence would have followed, it would be a perversion of justice to permit the employee to resume duty and to get all the consequential benefits. It amounts to rewarding the dishonest and the guilty and thus to stretching the concept of justice to illogical and exasperating limits. It amounts to a “unnatural expansion of natural justice” which in itself is antithetical to justice.”

9.3. In **Aligarh Muslim University and Others Vs. Mansoor Ali Khan³**, the Hon'ble Supreme Court considered the “**useless formality theory**,” which operates as an exception to the strict application of the Principles of Natural Justice. The Court observed that an order passed in violation of natural justice need not always be set aside, particularly where no prejudice has been caused to the person concerned. The Court held:

“21. As pointed recently in **M.C. Mehta Vs. Union of India (1999 (6) SCC 237)**, there can be certain situations in which an order passed in violation of natural justice need not be set aside under Article 226 of the Constitution of India. For example, where no prejudice is caused to the person concerned, interference under Article 226 is not necessary. Similarly, if the quashing of the order which is in breach of natural justice is likely to result in revival of another order which is in itself illegal as in **Gadde Venkateswara Rao vs. Government of Andhra Pradesh [1966 (2) SCR 172 = AIR 1966 SC 828]**, it is not necessary to quash the order merely

³(2000) 7 SCC 529.



because of violation of principles of natural justice.

22. In **M.C.Mehta {1999} 6 SCC 237** it was pointed out that at one time, it was held in **Ridge vs. Baldwin (1964 AC 40)** that breach of principles of natural justice was in itself treated as prejudice and that no other 'defacto' prejudice needed to be proved. But, since then the rigour of the rule has been relaxed not only in England but also in our country. In **S.L. Kapoor Vs. Jagmohan (1980 (4) SCC 379)**, **Chinnappa Reddy, J.** followed **Ridge vs. Baldwin** and set aside the order of supersession of the New Delhi Metropolitan Committee rejecting the argument that there was no prejudice though notice was not given. The proceedings were quashed on the ground of violation of principles of natural justice. But even in that case certain exceptions were laid down to which we shall presently refer.

23. **Chinnappa Reddy, J. in S.L.Kapoor's case [(1980) 4 SCC 379]**, laid two exceptions (at p.395) namely, "if upon admitted or indisputable facts only one conclusion was possible", then in such a case, the principle that breach of natural justice was in itself prejudice, would not apply. In other words, if no other conclusion was possible on admitted or indisputable facts, it is not necessary to quash the order which was passed in violation of natural justice. Of course, this being an exception, great care must be taken in applying this exception.

24. The principle that in addition to breach of natural justice, prejudice must also be proved has been developed in several cases. In **K.L.Tripathi Vs. State Bank of India (1984(1) SCC 43)**, **Sabyasachi Mukherji, J.** (as he then was) also laid down the principle that not mere violation of natural justice but de facto prejudice (other than non-issue of notice) had to be proved. It was observed: quoting Wade Administrative Law, (5th Ed.PP.472-



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475) as follows: (para 31) *"....it is not possible to lay down rigid rules as to when principles of natural justice are to apply, nor as their scope and extentThere must have been some real prejudice to the complainant; there is no such thing as a merely technical infringement of natural justice. The requirements of natural justice must depend on the facts and circumstances of the case, the nature of the inquiry, the rules under which the tribunal is acting, the subject matter to be dealt with and so forth"*.

Since then, this Court has consistently applied the principle of prejudice in several cases. The above ruling and various other rulings taking the same view have been exhaustively referred to in **State Bank of Patiala Vs. S.K. Sharma (1996 (3) SCC 364)**. In that case, the principle of 'prejudice' has been further elaborated. The same principle has been reiterated again in **Rajendra Singh Vs. State of M.P. (1996 (5) SCC 460)**.

25. The 'useless formality' theory, it must be noted, is an exception. Apart from the class of cases of "admitted or indisputable facts leading only to one conclusion" referred to above, there has been considerable debate of the application of that theory in other cases. The divergent views expressed in regard to this theory have been elaborately considered by this Court in *M.C. Mehta* referred to above. This Court surveyed the views expressed in various judgments in England by Lord Reid, Lord Wilberforce, Lord Woolf, Lord Bingham, Megarry, J. and Staughton L.J. etc. in various cases and also views expressed by leading writers like Profs. Garner, Craig, De. Smith, Wade, D.H. Clark etc. Some of them have said that orders passed in violation must always be quashed for otherwise the Court will be prejudging the issue. Some others have said, that there is no such absolute rule and prejudice must be shown. Yet, some others have applied *via-media* rules. We do not think it necessary, in this case to go



deeper into these issues. In the ultimate analysis, it may depend on the facts of a particular case.”

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9.4. In ***M/s. Dharampal Satyapal Limited v. Deputy Commissioner of Central Excise, Gauhati and Others***⁴, the Hon'ble Supreme Court reiterated that the principles of natural justice cannot be applied in a rigid or straight-jacket manner and that the test of prejudice is the decisive factor in determining whether an order should be set aside. The Court observed:

*“31) We are not concerned with these aspects in the present case as **the issue relates to giving of notice before taking action.** While emphasizing that the principles of natural justice cannot be applied in straight-jacket formula, the aforesaid instances are given. We have highlighted the jurisprudential basis of adhering to the principles of natural justice which are grounded on the doctrine of procedural fairness, accuracy of outcome leading to general social goals, etc. **Nevertheless, there may be situations wherein for some reason – perhaps because the evidence against the individual is thought to be utterly compelling – it is felt that a fair hearing ‘would make no difference’ – meaning that a hearing would not change the ultimate conclusion reached by the decision-maker – then no legal duty to supply a hearing arises.** Such an approach was endorsed by Lord Wilberforce in **Malloch v. Aberdeen Corporation ((1971) 1 WLR 1578 at 1595)**, who said that a ‘breach of procedure...cannot give (rise to) a remedy in the courts, unless behind it there is something of substance which has been lost by the failure. The court does not act in vain’. Relying on these comments, Brandon LJ opined in **Cinnamond***

⁴(2015) 8 SCC 519.



v. *British Airports Authority ((1980) 1 WLR 582 at 593)* that ‘no one can complain of not being given an opportunity to make representations if such an opportunity would have availed him nothing’. In such situations, fair procedures appear to serve no purpose since ‘right’ result can be secured without according such treatment to the individual. In this behalf, we need to notice one other exception which has been carved out to the aforesaid principle by the Courts. Even if it is found by the Court that there is a violation of principles of natural justice, the Courts have held that it may not be necessary to strike down the action and refer the matter back to the authorities to take fresh decision after complying with the procedural requirement in those cases where non-grant of hearing has not caused any prejudice to the person against whom the action is taken. Therefore, every violation of a facet of natural justice may not lead to the conclusion that order passed is always null and void. **The validity of the order has to be decided on the touchstone of ‘prejudice’. The ultimate test is always the same, viz., the test of prejudice or the test of fair hearing.”**

9.5. In ***State of Uttar Pradesh Vs. Sudhir Kumar Singh and others***⁵, the Hon’ble Supreme Court elaborately discusses various judgments rendered on the Principles of Natural Justice and its exceptions and summarised the Principles of Natural Justice as follows:

“(1) Natural justice is a flexible tool in the hands of the judiciary to reach out in fit cases to remedy injustice. The breach of the audi alteram partem rule cannot by itself, without more, lead to the

⁵(2021) 19 SCC 706: AIR 2020 SC 5215.



conclusion that prejudice is thereby caused.

(2) Where procedural and/or substantive provisions of law embody the principles of natural justice, their infraction per se does not lead to invalidity of the orders passed. Here again, prejudice must be caused to the litigant, except in the case of a mandatory provision of law which is conceived not only in individual interest, but also in public interest.

(3) No prejudice is caused to the person complaining of the breach of natural justice where such person does not dispute the case against him or it. This can happen by reason of estoppel, acquiescence, waiver and by way of non-challenge or non-denial or admission of facts, in cases in which the Court finds on facts that no real prejudice can therefore be said to have been caused to the person complaining of the breach of natural justice.

(4) In cases where facts can be stated to be admitted or indisputable, and only one conclusion is possible, the Court does not pass futile orders of setting aside or remand when there is, in fact, no prejudice caused. This conclusion must be drawn by the Court on an appraisal of the facts of a case, and not by the authority who denies natural justice to a person.

(5) The “prejudice” exception must be more than a mere apprehension or even a reasonable suspicion of a litigant. It should exist as a matter of fact, or be based upon a definite inference of likelihood of prejudice flowing from the non-observance of natural justice.”

9.6. In **S. Janaki Iyer v. Union of India & Others**⁶, the Hon'ble Supreme Court reiterated that the Principles of Natural Justice is not mechanical or ritualistic formality and held as under:

⁶2025 INSC 742: 2025 (8) SCC 696: CDJ 2025 SC 911.



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“22..... Mere assertion that some documents have not been supplied or even mentioning the said documents would not be enough unless the consequential prejudice which would or has been caused to a delinquent employee is put forth.

23. The Court is not bound to simply accept an assertion of a delinquent employee and proceed to question the disciplinary proceedings without being satisfied with regard to any prejudice having been caused to the employee.

24. The position in law on this aspect as has been culled out by the Constitution Bench of the Supreme Court in the case of **Managing Director, ECIL, Hyderabad and Others vs. B. Karunakar and Others ((1993) 4 SCCb727)** followed and explained thereafter by this Court expounded the doctrines of reasonable opportunity and natural justice to have been conceived and evolved not as a mechanical or a ritualistic formality, but as substantive principles intended to safeguard the rule of law and to facilitate the assertion of legitimate rights by individuals. It was categorically held that these principles are not to be invoked as mere procedural sacred words that have magical effect when said on every occasion, irrespective of context. The Court underscored the aspect as to whether prejudice has in fact been occasioned to an employee by the non-supply of the inquiry report which must be assessed with reference to the specific facts and circumstances of each case. Upon such assessment, if it is evident that no different outcome would have emerged even after the inquiry report or documents had been furnished, to reinstate the employee and grant him consequential benefits in such situation would amount to a distortion of justice. In other words, it would amount to conferring a premium upon misconduct and to stretch the doctrine of natural justice to an illogical and unwarranted extent.



Such an expansive and indiscriminate application of the principle would, paradoxically, undermine the very concept of justice it seeks to uphold.”

9.7. In ***Dr. C. Chendroyaperumal Vs. National Institute of Port Management & Another***⁷, the Division Bench of this Court has observed that the surrounding circumstances must be examined before applying the Principles of Natural Justice and stated as follows:

*“9. Coming to the legal aspects canvassed by the learned Counsel for the appellant, it is seen that they revolve around violation of the principles of natural justice. Even at the outset, we are not impressed with the said argument, since in our opinion, **“principles of natural justice is for thoroughbred horses and not wild horses”**. Wild horses understand only the language of the whip and hence there is no use trying to tame them with persuasion. The principles of natural justice themselves have traversed a long way from the stage at which they were treated as a “tharakamanthra” or panacea for all diseases, to the present stage where the courts have started looking at the credentials of the person using them as a shield or sword and accepting the fact that they are not indispensable.”*

10. From the consistent view of the Courts, it is evident that, where the person concerned is unable to demonstrate that the absence of a show cause notice has caused any real prejudice, the action of the authority cannot be set

⁷ 2006 (4) L.L.N 358; CDJ 2006 MHC 2324.



aside solely on that ground.

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11. In the present case, a field inspection was conducted by the competent authority. Appellant was aware of the field inspection, and the authorities conducted a survey with the petitioner. The factual aspects noticed during the field inspection, and on verification based on the enquiry conducted, authorities arrived a conclusion that the assignment conditions have been violated by the assignee. Thus, there is no infirmity or perversity in respect of the writ order impugned.

12. Accordingly, the present writ appeal stands dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (K.S.,J.)
02-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GD

To

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Secretary and Commissioner of Land
Administration, Ezhilagam, Chepauk, Chennai
5.
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