



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD) No.2537 of 2015

S.Muthuramalingam : Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Nilakottai Taluk, Dindigul District.

3.Mr.Vellaichamy,
Village Administrative Officer,
Malayagoundanpatti, Nilakottai Taluk,
Dindigul District. : Respondents

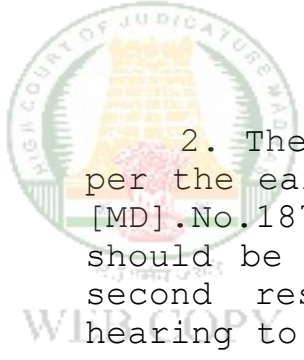
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records relating with the order of the second respondent made in Na.Ka.No.13537/2014/A4, dated 19.02.2015 and quash the same as it is arbitrary and illegal and in consequence directing the second respondent to modify the entry in revenue records relating with patta No.938 for the property, measuring 1 Acre 1 Cent comprised in S.No.260/1A Oruthattu Village in Nilakottai Taluk, Dindigul District, from the name of Palaniammal to the petitioner's name and his brother name S.Nagarajan as according to the sale deed dated 03.09.1986 and other relevant documents and to issue patta for the same.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent Nos.1&2: Mr.S.Chandrasekar,
Government Advocate

O R D E R

Mr.S.Chandrasekar, learned Government Advocate, takes notice for the respondents 1 and 2. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.



2. The impugned order is challenged only on the ground that as per the earlier order of this Court, dated 20.11.2014 made in W.P. [MD].No.18729 of 2014, before passing an order, the petitioner should be given an opportunity of personal hearing. However, the second respondent, without giving an opportunity of personal hearing to the petitioner, passed the impugned order.

3. The learned Government Advocate appearing for the respondents would contend that in the impugned order, dated 19.02.2015, the second respondent has referred to the order of this Court dated 20.11.2014 made in W.P.[MD].No.18729 of 2014 and passed orders, which does not require interference.

4. On a reading of the impugned order, it is clear that the second respondent, even though has referred to the order of this Court dated 20.11.2014 made in W.P.[MD].No.18729 of 2014, has not given an opportunity of personal hearing, as held by this Court, stated supra. Thus, on the sole ground, the impugned order is liable to be set aside.

5. In the result, the impugned order dated 19.02.2015 is set aside and the matter is remitted back to the second respondent, who will afford one more opportunity of personal hearing to the petitioner, consider his explanation and thereafter pass appropriate orders, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

6. The Writ Petition stands allowed, as indicated above. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Dindigul District.

2.The Tahsildar, Nilakottai Taluk, Dindigul District.

+1cc to Mr.R.Suriya Narayanan, Advocate, in SR. No.9415/15.

+1cc to Special Government Pleader, in SR No.9508/15.