

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25690 of 2016

1.V.M.Prakashan

2.Minor V.M.Vaishnav

Rep by Natural Guardian V.M.Prakashan
vs.

.. Petitioners

1.The Government of Puducherry,
Represented by its Secretary to Government,
(Revenue Department),
Puducherry.

2.The Deputy Collector (Revenue),
Mahe.

3.Deputy Tahsildar (Revenue),
Mahe.

4.The Village Administrative Officer,
Mahe.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order vide No.42/STOM/T3/2016 dated 29.06.2016 issued by the third respondent and quash the same and direct the third respondent to conduct fresh enquiry by providing an opportunity of hearing to the petitioners and also consider the documents submitted by the petitioners.

For Petitioner : M/s.K.Raja Srinivas

For Respondents : Mr.A.Tamilvanan,
Government Advocate (Pondicerry)

O R D E R

By consent this Writ Petition is taken up for final disposal.

2. The grievance expressed by the petitioner is that despite availability of overwhelming documents to prove and substantiate that the father of the petitioner is a permanent residents of Mahe, Union Territory of Puducherry, the third respondent, under the guise of conducting discreet enquiry, has passed the impugned order rejecting the petitioner application for issuance of Residence Certificate and therefore, came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that admittedly the discreet enquiry has been conducted behind the back of the parents of the petitioner and therefore, they were prevented from submitting relevant documents to prove and substantiate that they are the permanent residents of Mahe for over 5 years and prays for appropriate orders.

4. Mr.A.Tamilvanan, learned Government Advocate (Puducherry) appearing for the respondents would submit that all the relevant materials have been taken note of and thereafter only, the impugned order came to be passed and therefore, prays for dismissal of this writ petition.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Admittedly, discreet enquiry was conducted and materials were collected behind the back of the petitioner. It is to be pointed out at this juncture that the impugned order visits the petitioner with grave civil consequences, as it has concluded that the parents of the petitioner are not the permanent residents of Puducherry, more particularly Mahe and therefore, this Court is of the view that the parents of the petitioner is to be afforded with reasonable opportunity to substantiate their claim.

7. In the result, this Writ Petition is partly allowed and the impugned order in Proceedings No.42/STOM/T3/2016 dated 29.06.2016 issued by the third respondent is set aside and the matter is once again remanded to the third respondent for conducting fresh enquiry and the third respondent shall afford opportunity of personal hearing to the parents of the petitioner and it is open to the petitioners to furnish documents of sterling in quality and on receipt of the same, the third respondent has to conclude the enquiry and pass orders in accordance with law within a period of one week from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners. It is needless to say that the parents of the petitioner shall extend maximum cooperation to the third respondent for early conclusion of enquiry.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To
1.The Secretary to Government,
The Government of Puducherry,
(Revenue Department), Puducherry.

2.The Deputy Collector (Revenue),
Mahe.

3.Deputy Tahsildar (Revenue), Mahe.

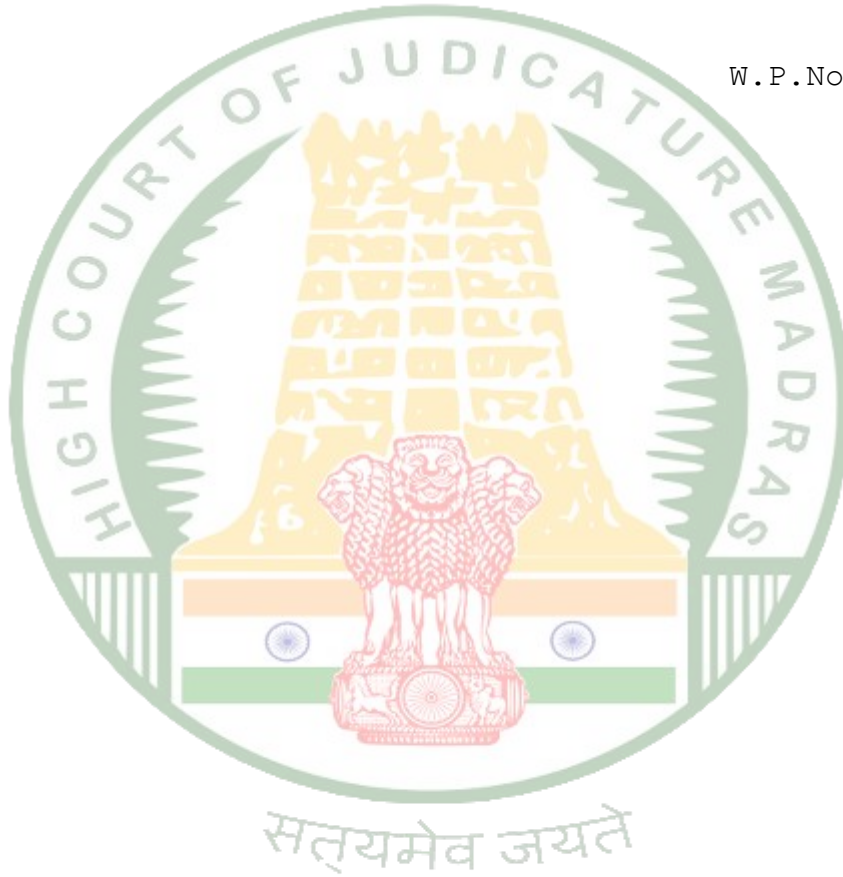
4.The Village Administrative Officer,
Mahe.

+1 cc to mr.K.Raja Shrinivas, Advocate,sr.43191

+1 cc to Govt.Pleader,sr.43443.

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