

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.35362 of 2012

Shaheen Zainab

... Petitioner

Vs.

The Chairman of the District Committee
and the District Collector
Nilgiris District

... Respondent

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records in RC.No.A4/20559/2012, dated 29.6.2012 on the file of the respondent and quash the same as ultra vires, unconstitutional, against the Rule of Law and against the principles of natural justice and consequently, direct the respondent not to vary or alter the permission already granted to the petitioner to sell her land in S.No.144/6 in Sholur Village, Nilgiris District, measuring 0.15.80 Hectares (0.39 Acres) as per the earlier proceedings in R.C.No.A4/23889/2010, dated 11.10.2011 issued by the respondent.

For Petitioner : Mr.Shanmugam

For Respondent : Mr.M.Santhanaraman
Special Government Pleader
(Forests)

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

We need not analyze the impugned order dated 29.6.2012 in extenso by which the District Committee had resolved to cancel and revise the proceedings issued in favour of the petitioner on 11.10.2011. The result is that the ratification of sale of 0.39 Acres of land in S.No.144/6 in Sholur Village stands cancelled by this order.

2. The short grievance made by the petitioner is that this order has been issued affecting the valuable rights of the petitioner without even notice to the petitioner to explain her position. This position is not disputed, though the learned Special Government Pleader appearing for the respondent states that it was predicated on a premise that the earlier order was valid only for a period of four months. We, however, find that if it was so, then there would be no occasion to cancel the rights in terms of the impugned order and, thus, the petitioner cannot be condemned unheard.

3. In view of the aforesaid, without going into the merits of the controversy, we set aside the order dated 29.6.2012 on the short ground that it has been passed without notice to the petitioner, however granting leave to the respondent to pass a fresh order after issuance of notice to the petitioner, giving adequate time to reply and a personal hearing.

The petition is allowed in the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sasi

To:

The Chairman of the District Committee
and the District Collector
Nilgiris District.

+1cc to Mr.R.Shanmugam Associates, Advocate, S.R.No.55751

W.P.No.35362 of 2012

CTR(CO)
CA(06/10/2016)

WEB COPY