



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.17900 of 2015**

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R.Shakeela Banu

... Petitioner

-vs-

1. The District Collector,
Ramanathapuram District.2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.3. The Tahsildar,
Kamuthi Taluk Office,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the 2nd respondent in Pa.Mu.(A1) 9325/2013 dated 01.09.2015, quash the same and consequently direct the 2nd respondent to issue Patta to the petitioner in respect of property situate at Puthuppavadi Street Kamuthi Town Ramanathapuram District in Survey No. 592/5.

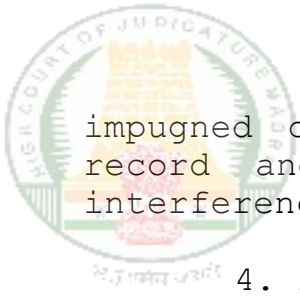
For Petitioner	:	Mr.D.Sasikumar
For R1 to R3	:	Mr.M.Alagathevan Spl. Govt. Pleader

ORDER

This writ petition has been filed, seeking to quash the impugned order of the 2nd respondent in Pa.Mu.(A1) 9325/2013 dated 01.09.2015, by which the request of the petitioner for grant of patta was negatived. The petitioner also sought a direction to the 2nd respondent to issue Patta to the petitioner in respect of property situate at Puthuppavadi Street, Kamuthi Town, Ramanathapuram District in Survey No.592/5.

2. The case of the petitioner is that in spite of the direction issued by this Court on earlier occasion to the 2nd respondent to pass orders on merits after due opportunity of hearing to the petitioner, the 2nd respondent, without doing so, had simply rejected the request of the petitioner on some flimsy grounds and therefore, the said order is liable to be set aside.

3. The learned Special Government Pleader appearing for the respondents would submit that the 2nd respondent has passed the



impugned order after considering all the material documents on record and therefore, the said order does not require any interference by this Court.

4. Heard the learned counsel on either side.

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5. Though the 2nd respondent has passed the present impugned order rejecting the claim of the petitioner, it is not known as to whether any opportunity of hearing was given to the petitioner, as directed by this court on 30.04.2015 and the non compliance of the direction will amount to contempt of this Court. However, due to paucity of time, this Court is not inclined to go into all these facts so as to initiate contempt proceedings against the erring official.

6. Under such circumstances, this writ petition is allowed and the impugned order is set aside. The matter is remitted to the 2nd respondent to pass appropriate orders on the claim of the petitioner in respect of issuance of patta on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and other interested parties, if any. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Ramanathapuram District.
2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
3. The Tahsildar,
Kamuthi Taluk Office,
Ramanathapuram District.

+1cc to Mr.D.Sasikumar, Advocate Sr.No.86955
+1cc to Spl.Government Pleader Sr.No.87075

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VB/GT/SAR1/23/11/2017/3P/6C

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