



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.8985 of 2015
and
MP(MD)No.2 of 2015

Muniyammal ... Petitioner

vs.

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Tahsildar,
Periyakulam,
Theni District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari by calling for the entire records pertaining to the proceedings of the 2nd respondent vide his Proceedings in Na.Ka.No.6042/2010/A3 dated 15.11.2011 and quash the same.

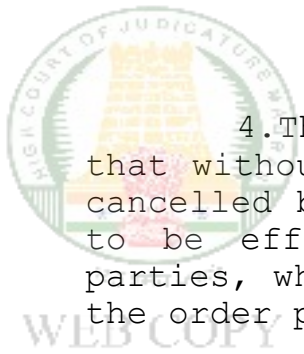
For Petitioner : Mr.M.Pitchai Muthu
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

This writ petition has been filed seeking to quash the proceedings of the second respondent dated 15.11.2011 in Na.Ka.No.6042/2010/A3.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondents.

3.The case of the petitioner is that the third respondent, by the proceedings dated 07.06.2007, assigned lands measuring to an extent of 0.37.0 acres in S.No.1454/1 at Jayamangalam Village, Andipatti Taluk, Theni District in favour of the petitioner and since then she has been in possession and enjoyment of the same. While so, the second respondent has cancelled the assignment order by the proceedings dated 15.11.2011. Aggrieved by the same, the petitioner is before this Court with the above prayer.



4.The learned counsel appearing for the petitioner submitted that without any notice to the petitioner, the assignment order was cancelled by the second respondent. Further, such cancellation came to be effected with mala fide intention, favouring one of the parties, who is closely related to the Village Assistant. Therefore, the order passed by the second respondent requires interference.

5.The learned Additional Government Pleader appearing for the respondents submitted that only after conducting a detailed enquiry and after inspecting the field in question, the impugned order has been passed and therefore, the same does not require any interference.

6.I have considered the rival submissions made on either side and perused the material documents available on record.

7.It is apparent on the face of the record that the impugned order dated 15.11.2011 came to be passed without giving any opportunity to the petitioner. Such being the case, the same cannot withstand in the eye of law. Hence, the impugned order is liable to be set aside and the matter is liable to be remitted to the second respondent for fresh consideration.

8.In fine, this writ petition is allowed. No costs. The impugned order dated 15.11.2011 passed by the second respondent is set aside and the matter is remitted to the second respondent. The second respondent is directed to pass appropriate orders afresh on merits and in accordance with law after due opportunity of hearing to the petitioner as well as any of the interested parties. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. Consequently, MP (MD) No.2 of 2015 is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Theni District, Theni.
- 2.The Revenue Divisional Officer,
Periyakulam,
Theni District.
- 3.The Tahsildar,
Periyakulam,
Theni District.

+1cc to Special Government Pleader, SR.No. 86571

W.P (MD) No.8985 of 2015

09.11.2017