

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.7648 of 2016
and
WMP No.6879 of 2016

Renitha.V

... Petitioner

Vs

1.Union Territory of Puducherry,
Rep. By its Chief Secretary,
Revenue Department,
Chief Secretariat,
Puducherry.

2. Government of Puducherry,
National Rural Health Mission,
District Health Society,
Mahe.

3. The Deputy Thasildar (Revenue),
Government of Puducherry,
Sub Taluk Office,
Mahe,
Pondicherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the 3rd respondent herein relating to his letter dated 22.02.2016 in No.17/STOM/T3/2016/2772 and to quash the same and further to direct the 3rd respondent herein to issue the residence certificate to the petitioner.

For Petitioner : Mr.Krishna Prasad
for
M/s.Sarvabhauman Associates

For Respondents : Mr.B.Nambiselvan
Additional Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the order dated 22.02.2016 passed by the third respondent and for a consequential direction to direct the third respondent to issue the Residence Certificate to the petitioner.

2. It is the case of the petitioner that she is a qualified Nurse and is a resident of Mahe which forms part of Pondicherry State and she has applied for a Residence Certificate on 18.02.2016 with the third respondent. However, it is her case that under the impugned order dated 22.02.2016, the third respondent without affording an opportunity of personal hearing has rejected the application for Residence Certificate. Aggrieved by the same, this writ petition has been filed.

3. A counter affidavit has been filed by the third respondent stating that the guidelines issued as per G.O. Ms.No.48, dated 12.12.2002 issued by the Revenue Department, Puducherry has not been fulfilled by the petitioner and hence, she is not entitled for the Residence certificate. According to them, the petitioner is residing at her husband's house at Thalasserry, Kannur District, Kerala State and hence, she is not entitled for the Residence certificate for her address at Madhavam Nivas, Pattani Parambath Meethal, Parakkal, Mahe, Pondicerry.

4. Heard Mr.Krishna Prasad, learned counsel for the petitioner and Mr.B.Nambiselvan, learned Additional Government Pleader appearing for respondents.

5. Admittedly, as seen from the impugned order dated 22.02.2016, no notice has been given to the petitioner nor any personal hearing afforded to the petitioner by the third respondent before passing the impugned order rejecting the application of the petitioner for Residence Certificate. The only observation made in the impugned order is that on discreet field enquiry, it was ascertained that the petitioner is not an ordinary resident of Mahe Region for the past five continuous years. In the impugned order, the third respondent has also not mentioned as to when the discreet enquiry was conducted and the date of the enquiry report is also not mentioned in the impugned order. The only ground raised by the petitioner in this writ petition is that, the principles of natural justice have been violated, as the third respondent has not afforded any opportunity to the petitioner to place all records pertaining to her residence.

6. After perusing and examining the impugned order, this Court is in agreement with the submissions made by the petitioner. Accordingly, the impugned order, dated 22.02.2016 is hereby quashed as principles of natural justice have been violated and the matter is remanded back to the third respondent for fresh consideration.

7. In the result, the third respondent is directed to consider the application dated 18.02.2016 submitted by the petitioner for Nativity certificate and pass final orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner to place all records in support of the proof of her residence, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Chief Secretary,
Union Territory of Puducherry,
Revenue Department,
Chief Secretariat,
Puducherry.

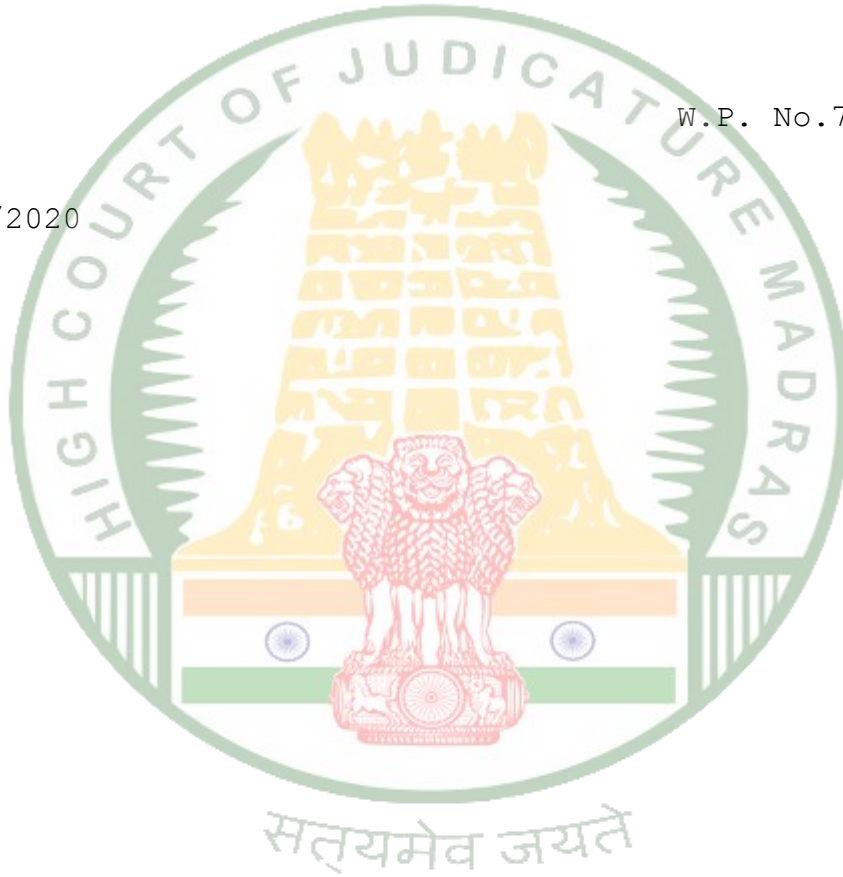
2. Government of Puducherry,
National Rural Health Mission,
District Health Society,
Mahe.

3. The Deputy Thasildar (Revenue),
Government of Puducherry,
Sub Taluk Office,
Mahe,
Pondicherry.

+lcc to M/s.Sarvabhauman Associates, Advocate Sr.9458
+lcc to the Government Pleader Sr.9579

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bs[co]
srg 10/03/2020



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