



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)Nos.19929 and 19930 of 2021

and

W.M.P. (MD)Nos.16622 and 16624 of 2021

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W.P. (MD)No.19929 of 2021:-

Sumathi

... Petitioner

vs.

1.The Sub Collector,
Office of the Sub Collector,
Musiri, Trichy District.

2.The Tahsildar,
Thuraiyur Taluk Office, Thuraiyur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the proceedings issued by the first respondent in his proceedings in Na.Ka.No.A2/4229/2021, dated . 09.2021 and signed on 13.09.2021 and quash the same.

W.P. (MD)No.19930 of 2021:-

Palaniyandi

... Petitioner

vs.

1.The Sub Collector,
Office of the Sub Collector,
Musiri, Trichy District.

2.The Tahsildar,
Thuraiyur Taluk Office, Thuraiyur.
Respondents

...

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the proceedings issued by the first respondent in his proceedings in Na.Ka.No.A2/4229/2021, dated . 09.2021 and signed on 13.09.2021 and quash the same.

For Petitioner :Mr.N.Sankar Ganesh(in both cases)

For Respondents :Mr.S.Shanmugavel

Special Government Pleader
(in both cases)



COMMON ORDER

These Writ Petitions are filed in the nature of Certiorari/riified Mandamus questioning the notice issued by the Sub Collector/first respondent herein, calling upon the petitioners herein to attend the enquiry with respect to the representations given by the petitioners relating to the property in S.No.99/3 in Balakrishnanpatti East, P.Mettur, Thuraiyur Taluk, Trichy District, which had been assigned to the petitioners.

2.The petitioners are apprehensive of attending the enquiry to be conducted by the Sub Collector owing to the fact that in the notice, the Sub Collector had stated that the Tahsildar/second respondent had given a negative report with respect to the representations given by the petitioners. The petitioners, therefore, apprehend that the Sub Collector would only follow or confirm the report of the Tahsildar.

3.A direction is issued to the Sub Collector, who is shown as first respondent herein, to independently examine the claims of the petitioners herein and pass necessary orders. The recommendations of the Tahsildar should not weigh on the mind of the first respondent. A burden is cast on the first respondent/Sub Collector, to come to the subjective satisfaction over the representations of the petitioners and come to an independent conclusion. Fresh notice may be issued by the Sub Collector to attend the enquiry to the petitioners herein and give up atleast 10 working days time for the enquiry.

4.With the said observations, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cmr

To

1.The Sub Collector,
Office of the Sub Collector,
Musiri, Trichy District.



2.The Tahsildar,
Thuraiyur Taluk Office, Thuraiyur.

+1 CC to M/s.SPL.GP (SR-33910[F] dated 10/11/2021)

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W.P. (MD)Nos.19929 and 19930 of 2021
09.11.2021

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