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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.8812 of 2022

and

W.M.P.No.8666 of 2022

Kowsalya

...Petitioner

Vs.

1. The District Collector,
Kallakurichi District.
2. The Revenue Divisional Officer,
Kallakurichi Division & District.
3. The Tahsildar,
Kallakurichi (TK) Office,
Kallakurichi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent namely the Revenue Divisional Officer, Kallakurichi Division and District in his proceedings made in No.Mu.Mu.A5/0005/2021 dated 06.08.2021 and quash the same and consequently directing the second respondent to issue a destitute widow certificate to the petitioner namely Kowsalya.

For Petitioner : Mr.A.G.Rajan

For Respondents: Mr.T.Seenivasan

Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 06.08.2021 passed by the second respondent, rejecting the petitioner's application seeking for issuance of a destitute widow certificate in her favour.

2. According to the petitioner, she is a destitute widow and has not got remarried. However, as seen from the impugned order, the petitioner's application has been rejected on the



ground that the petitioner has got remarried. No opportunity of hearing has also been granted to the petitioner in the impugned proceedings. The reports relied upon by the respondents have also not been furnished to the petitioner.

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3. Being a non-speaking order with regard to the contentions raised by the petitioner and an order passed by violating the principles of natural justice, the impugned order has to be necessarily quashed and the matter will have to be remanded back to the respondents for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner including, granting her the right of personal hearing.

4. For the foregoing reasons, the impugned order dated 06.08.2021 passed by the second respondent, is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner including, granting her the right of personal hearing. The second respondent is directed to pass final orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the aforesaid directions, this Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kallakurichi District.
2. The Revenue Divisional Officer,
Kallakurichi Division & District.
3. The Tahsildar,
Kallakurichi (TK) Office,
Kallakurichi District.

+1cc to Mr.A.G.Rajan, Advocate, S.R.No.37406

+1cc to the Government Pleader, S.R.No.38251

W.P.No.8812 of 2022

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NSK/30/06/2022