

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25099 OF 2014

AND

M.P.NOS.1 AND 2 OF 2014

J.ShekaraBanu

... Petitioner

Vs.

1. The District Collector
Collectorate,
Coimbatore.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Coimbatore.

3. The Tashildar
Taluk Office,
Coimbatore North.

4. The State rep. by its
The Inspector of Police,
Thudiyalur Police Station,
Coimbatore District.

5. D.Saravanakumar

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records from the second respondent's letter Ni.Mu.866/2013/A1, dated 19.04.2013, quash the same, consequently to restore the petitioner's assignment situated at Plot No.8, bearing 99 sq.metre, Block No.469/5, No.18, Kurudampalayam Village, Coimbatore North Taluk, Coimbatore District which was issued by third respondent.

For Petitioners : Mr.K.Paramasivam
For Respondents : Mr.P.Sathish for R1 to R4
Additional Government Pleader
M/s.C.D.Sugumar for R5

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records from the second respondent's letter Ni.Mu.866/2013/A1, dated 19.04.2013, quash the same, consequently to restore the petitioner's assignment situated at Plot No.8, bearing 99 sq.metre, Block No.469/5, No.18, Kurudampalayam Village, Coimbatore North Taluk, Coimbatore District which was issued by third respondent.

2.The case of the petitioner is that the petitioner was assigned land in Plot No.8, Block No.469/5, No.18, Kurudampalayam Village, Coimbatore North Taluk, Coimbatore District by the third respondent on 22.10.2003 and the said assignment was cancelled at the instigation of fifth respondent. Aggrieved by the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that since the fifth respondent showed an unregistered deed of agreement of sale inbetween the petitioner and the fifth respondent the assignment granted in favour of the petitioner was cancelled on 19.04.2013 without hearing the petitioner.

4.Though the writ petition is of the year 2014, the respondents have not yet filed counter.

5.Perusal of the impugned order clearly reveal that no opportunity was given to the petitioner, which is clear violation of principles of natural justice. Hence, the impugned order passed by the second respondent dated 19.04.2013 is set aside and the matter is remanded back to the second respondent for fresh consideration. The petitioner is directed to appear before the second respondent and after hearing the petitioner, the second respondent shall pass appropriate orders. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is allowed on the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Collectorate,
Coimbatore.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Coimbatore.
3. The Tashildar
Taluk Office,
Coimbatore North.
4. The Inspector of Police,
Thudiyalur Police Station,
Coimbatore District.

+1cc to Mr.P.Saravanan, Advocate, S.R.No.20498
+1cc to the Government Pleader, S.R.No.20321

W.P.No.25099 of 2014
And
M.P.Nos.1 and 2 of 2014

PMK(CO)
PM/08/04/2022