



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.17592 of 2014

and

M.P. (MD) No.2 of 2014

R.Brahma Krishna Rajeswari

... Petitioner

vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tashildar,
Ramanathapuram Taluk,
Ramanathapuram District.

3. The Assistant Settlement Officer (South),
Chepauk, Chennai.

4. The District Forest Officer,
District Collectorate's Complex,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in Mu.Mu.(A1) 6315/2008 dated 29.06.2012 on the file of the third respondent and quash the same as illegal, ultra vires and unconstitutional and to direct the third respondent to dispose of the petitioner's application dated 21.08.2006 before second respondent after affording sufficient notice and opportunity to the petitioner and conduct enquiry and dispose of the application within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.T.Amjad Khan
Government Advocate

O R D E R

This Writ Petition has been filed challenging the impugned order, dated 29.06.2012 passed by the third respondent, under which the petitioner's application seeking for patta in the name of Ramanathapuram Samasthanam Chatram has been rejected, since the petitioner did not appear before the third respondent for enquiry.



2.The petitioner has filed this Writ Petition on the ground of violation of principles of natural justice. Admittedly, the petitioner was not heard while passing the impugned order, under which the third respondent has rejected the petitioner's application seeking for transfer of patta in the name of Ramanathapuram Samasthanam Chatram.

3.The application for transfer of patta was submitted on 21.08.2006. Since no opportunity of hearing was granted to the petitioner, the third respondent rejected the petitioner's application only on the ground of non appearance of the petitioner in the enquiry proceedings, this Court is of the considered view that no prejudice will be caused to the respondents, if the petitioner is granted with an opportunity of re-hearing by the third respondent with regard to her request for transfer of patta in the name of Ramanathapuram Samasthanam Chatram. The petitioner has also produced documents along with the Writ Petition to substantiate her claim that she is entitled for transfer of patta in the name of Ramanathapuram Samasthanam Chatram for the subject property.

4.Since principles of natural justice has been violated, the impugned order, dated 29.06.2012 passed by the third respondent has to be necessarily quashed and remanded for fresh consideration on merits and in accordance with law after affording a fair hearing.

5.Accordingly, the impugned order, dated 29.06.2012 passed by the third respondent is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner within a period of six months from the date of receipt of a copy of this order.

6.With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr



To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Tashildar,
Ramanathapuram Taluk,
Ramanathapuram District.
3. The Assistant Settlement Officer (South),
Chepauk, Chennai.
4. The District Forest Officer,
District Collectorate's Complex,
Sivagangai.

+1 CC to M/s.SPL GP (SR-8703[F] dated 25/02/2022)

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-9015[F] dated
28/02/2022)

Order made in
W.P. (MD)No.17592 of 2014
24.02.2022

USK/08.03.2022/3P/7C