



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.5249 of 2017

and

W.M.P (MD)Nos.4204, 4205 & 18266 of 2017

A.Babili @ Babil

... Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The District Aathi Thiravida Welfare Officer,
Office of the District Aathi Thiravida Welfare Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildhar,
Aathi Thiravida Welfare Department,
Office of the Tahsildhar,
Paramakudi,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.2/26175/2015 dated 10.06.2015 passed by the second respondent and quash the same as illegal.

For Petitioner : Mr.C.M.Arumugam

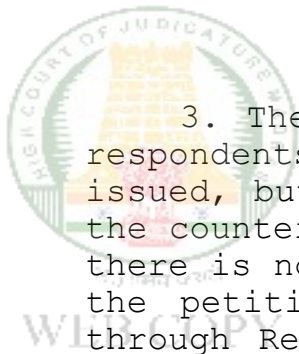
For Respondents : Mr.M.Prakash

Additional Government Pleader.

ORDER

Heard the learned counsel on either side.

2. The petitioner questions the impugned order whereby the assignment made in her favour was cancelled. The petitioner had specifically averred in her affidavit that she was not put on notice before the impugned order was passed.



3. The learned Additional Government Pleader appearing for the respondents strongly asserted that notice dated 08.04.2015 was issued, but then, the petitioner did not offer her explanation. In the counter also the same stand is reiterated in paragraph No.7, but there is no material to show that this notice was actually served on the petitioner. In all such cases, notice must be served only through Registered Post or if an acknowledgment is taken from the noticee, then it is sufficient compliance with the requirement of the principles of natural justice. In this case, the only defence that has been set out in the counter is that notice was served by affixture on the land in question. Such service cannot be accepted. On this sole ground, the impugned order is quashed. It is remitted to the file of the first respondent to pass orders afresh in accordance with law.

4. The writ petition is allowed accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

mga

To

- 1.The District Collector,
Office of the District Collector,
Ramanathapuram, Ramanathapuram District.
- 2.The District Aathi Thiravida Welfare Officer,
Office of the District Aathi Thiravida Welfare Officer,
Ramanathapuram, Ramanathapuram District.
- 3.The Tahsildhar,
Aathi Thiravida Welfare Department,
Office of the Tahsildhar,
Paramakudi, Ramanathapuram District.

+1 CC to M/s.C.M. ARUMUGAM, Advocate (SR-25947[F]
dated 15/06/2022)

+1 CC to M/s.SPL.GP (SR-25917[F] dated 15/06/2022)

W.P. (MD)No.5249 of 2017

14.06.2022

KM(CO)

GC(28.06.2022) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>