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W.P.No.4986 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.4986 of 2023

Pushpa

... Petitioner

Vs

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The District Revenue Officer,
Dharmapuri.

3.Poovan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned notice in Na.Ka.No.12947/2021/Pa2 dated 10.01.2023 by the 2nd respondent and quash the same and further direct the 2nd respondent to provide an opportunity of personal hearing.

For Petitioner : Mr.I.Abrar Md Abdullah

For Respondents : Mr.R.P.Muruganraja
Government Advocate for R1 & R2



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ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records of the impugned notice in Na.Ka.No.12947/2021/Pa2 dated 10.01.2023 by the 2nd respondent and quash the same and further direct the 2nd respondent to provide an opportunity of personal hearing.

2. On the complaint given by the 3rd respondent with regard to the alleged change of name in the patta issued in the UDR in respect of property at Survey No.260/1B, 262/2A, 263/2B situated at Seerampatti Village, Andihallai Panchayat, Krishnapuram Post, Dharmapuri District, the 2nd respondent has issued a summon on 10.01.2023 directing the petitioner to appear before him on 30.01.2023 at 4.00 p.m. with documents available with the petitioner.

3. Though the said summon dated 10.01.2023 is under challenge in this writ petition, Mr.I.Abrar Abdullah, learned counsel appearing for the petitioner would submit that, before the impugned summon already a summon has been issued by the very same 2nd respondent on 11.10.2022 in the name of one Kaveri, who is none other than the father of the petitioner, however the petitioner's father Kaveri died in February 2022 itself, therefore



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against the dead person such summon was issued on 11.10.2022. Therefore the petitioner is not known whatsoever about the earlier summon issued in this regard.

4. He would also submit that, insofar as the present impugned summon is concerned, directly a date has been given as 30.01.2023, on that date though the petitioner appeared and sought for one further hearing atleast to collect the necessary documents in respect of the petitioner's case and a representation also to that effect was given by the petitioner to the 2nd respondent, the same has not so far been considered and no such further opportunity atleast one time has been given by the 2nd respondent, therefore only for getting such chance of one opportunity to put forth the case of the petitioner with documents, the petitioner has come forward to challenge the impugned summon.

5. On the other hand, Mr.R.P.Muruganraja, learned Government Advocate appearing for the official respondents would submit that, if at all the petitioner wants to produce certain documents which the petitioner has subsequently collected to substantiate the case of the petitioner, certainly



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that chance can be given to the petitioner provided if no order finally has been passed by the 2nd respondent, hence to that effect the plea of the petitioner would be considered.

6. In view of the order going to be passed in this writ petition, notice to the 3rd respondent is hereby dispensed with.

7. In view of the present plea raised by the learned counsel for the petitioner and by taking into account the submission made by the learned Government Advocate for the official respondents, this Court is inclined to dispose of this writ petition with the following orders:

The 2nd respondent is hereby directed to give one more chance of personal hearing by giving two weeks time from the date of receipt of a copy of this order to the petitioner by fixing a date for the purpose of projecting the petitioner case along with the documents he has already collected to substantiate the stand of the petitioner with regard to the issue raised therein and on receipt of such summon on the date to be mentioned by the 2nd respondent, it is open to the petitioner to appear and file



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all such documents and on receipt of such documents and after giving an opportunity of being heard to both the petitioner as well as the 3rd respondent based on the documents to be filed by the petitioner, the 2nd respondent shall consider the matter accordingly and decide the same on merits and in accordance with law thereafter within a period of six weeks.

8. With these directions, this Writ Petition is disposed of. No costs.

21.02.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The District Revenue Officer,
Dharmapuri.



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R.SURESH KUMAR, J.

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