



W.P.(MD) No.18508 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.18508 of 2016
and
W.M.P.(MD) No.13404 of 2016**

S.Jeevarathinam

... Petitioner

/vs./

**1.The District Collector,
Trichirappalli District,
Trichy.**

**2.The Revenue Divisional Officer/Sub Collector,
Lalgudi Taluk,
Trichirappalli District,
Trichy.**

**3.The Tahsildar,
Lalgudi Taluk,
Trichirappalli District.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the recording pertaining the impugned order dated 04.07.2016 passed by the 2nd respondent in his Na.Ka.



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WEB COPY A3-2884-2015 and quash the same as illegal.

For Petitioner : Mr.K.Soundhararajan

For Respondents : Mr.D.S.Nedunchezian
Government Advocate

ORDER

The above writ petition has been filed for the issue of a Writ of Certiorari to quash the order dated 04.07.2016 passed by the second respondent in Na.Ka. A3-2884-2015.

2. The petitioner would submit that her husband died in the year 1996 in the flood. Since the petitioner was a poor, landless lady with children, she was selected as a beneficiary and included in the below poverty line list prepared by the local Authority. Considering this, an extent of 0.20.0 hectares of land in S.No. 295/6 was allotted to her under the Tamil Nadu Government Land Settlement Scheme for Landless Families Special Scheme - 2006.

3. The petitioner would submit that she had no support from the family and she had to take care of her two minor children. That apart, there was a threat made



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by the adjacent land owners to the petitioner cultivating her lands. The petitioner had also undergone a cardiac arrest requiring a surgery. The petitioner would submit that to add to her woes, one Sakthivel, the petitioner's son in law, died in the year 2015 and her daughter with her two children are also residing with the petitioner. This compelled the petitioner to lease out some portion of the land by executing a power deed.

4. Meanwhile, the petitioner came to learn that the second respondent had initiated proceedings against her to cancel the settlement. However, notice has not been served on the petitioner. Therefore, the petitioner submitted a representation on 01.08.2016 to the second respondent not to cancel the settlement made in her favour and not to recover the land. Since no order had been passed, the petitioner had filed W.P.(MD) No.16705 of 2016 for a Mandamus directing the respondents to consider her request and not to pass any adverse orders. The matter was taken up and the same was adjourned for getting instructions from the respondents.

5. At this juncture, the petitioner came to know that the second respondent had already passed the impugned order by his proceedings dated 04.07.2016. The



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order came to the petitioner's knowledge only on 09.09.2016. She had no knowledge about the same. The impugned order had also been passed behind her back without giving her an opportunity. She would therefore seek to have the said order set aside.

6. The earlier writ petition filed by the petitioner in W.P.(MD) No.16705 of 2016 to consider the representation dated 01.08.2016 was closed by stating that the petitioner had violated the conditions of assignment, as a result of which the patta had been cancelled and the land restored as Tharisu. However, the records would show that the petitioner has not been heard before the impugned order was passed and therefore, the petitioner has come forward with the instant writ petition. Taking away a right which had been conferred on the petitioner without notice to her is illegal and the impugned order has to necessarily be quashed.

7. Therefore, the Writ Petition stands allowed. The impugned order dated 04.07.2016 passed by the second respondent in Na.Ka. A3-2884-2015 is hereby set aside and the matter is remanded back to the second respondent for fresh consideration. The second respondent shall first issue notice to the petitioner,



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giving her a personal hearing and thereafter pass a speaking order. The said exercise shall be completed within a month from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

22.08.2024

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To

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P.T.ASHA, J.

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