



W.P.(MD)No.22896 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.22896 of 2021

and

W.M.P.(MD)No.19365 of 2021

V.Azhagusundari

... Petitioner

Vs.

1. The Personal Assistant to Collector (lands)
cum Sub Collector,
Devakottai,
Sivagangai District.
2. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Devakottai Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Mu.Mu.A3/4618/2017 dated 16.09.2017 on the file of the first respondent and quash the same as illegal and consequently directing the Respondent Nos.1 to 3



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to grant Assignment Patta to the petitioner's house in an extent of 14 cents situated in Survey No.177-4, Thittukottai Village, Devakottai Taluk, Sivagangai District within the time frame stipulated by this Court.

For Petitioner : Mr.Mahaboob Fazil
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The Writ Petition is directed against the impugned order dated 20.07.2017 rejecting the writ petitioner's claim for house patta by the third respondent.

2. The learned counsel appearing for the writ petitioner would submit that the third respondent has rejected the claim of the writ petitioner mainly on the ground that the writ petitioner's husband Vellaippan is working in Madurai Corporation. He would further submit that the writ petitioner's husband Vellaippan had already died on 01.09.2017 and he was a temporary worker in the Corporation and his service was not regularised at the time of his death and that the third



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respondent, without giving any opportunity, has passed the impugned order and the same was informed to the writ petitioner by the first respondent vide memorandum dated 16.09.2017.

3. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents would submit that since the writ petitioner was not heard, the impugned order may be set aside and directed the third respondent to consider the writ petitioner's claim afresh and pass orders.

4. Considering the above facts and circumstances and also the facts that the writ petitioner's husband was already reported dead and that the writ petitioner was not heard, the impugned order rejecting the claim of the writ petitioner is hereby set aside. The third respondent is directed to consider the writ petitioner's claim by giving opportunity of being heard and pass orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



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5. In the result, this Writ Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

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NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1. The Personal Assistant to Collector (lands)
cum Sub Collector,
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Sivagangai District.
2. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Devakottai Taluk,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csn

Order made in
W.P.(MD)No.22896 of 2021
and
W.M.P.(MD)No.19365 of 2021

Dated : 28.03.2024