



W.P.(MD)No.5979 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

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THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.5979 of 2025

and

W.M.P.(MD)No.4372 of 2025

R.Absara

: Petitioner

Vs.

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

2.The Tahsildar,
Sivagangai Taluk Office,
Sivagangai,
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned online rejection order made by the second respondent on petitioner's application No. 2024/0105/23/292129 dated 31.01.2025 and quash the same as illegal and consequently direct the second respondent to include the property in S.No.375/1 for sub division on the basis of the map



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reported by the Advocate Commissioner in I.A.No.710 of 2015 in O.S.No.168 of 2015 on the file of the District Munsif Court, Sivagangai for an extent of 2 acres in Survey No.375/1 in favour of the petitioner and her siblings based on her online application dated 27.12.2024.

For Petitioner : Mr.S.Rabeek Raja

For Respondents : Mrs.S.Jeyapriya

Government Advocate

ORDER

The petitioner challenges the impugned order of the Tahsildar in Application No.2024/0105/23/292129 dated 31.01.2025.

2.I have heard the learned Counsel for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate appearing for the respondents.

3.On perusal of the impugned order, it is clear that the order is an unreasoned order and the only reason for rejection which is stated is 'rejected'. The petitioner has also not been heard or given an opportunity before the impugned order came to be passed, rejecting the petitioner's application for sub-division. There is a clear violation of principles of natural justice and the impugned order is liable to be set aside.



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4. In fine, the impugned order is set aside and the writ petition is allowed and the matter is remanded to the second respondent for fresh consideration of the petitioner's application dated 27.12.2024, after affording a fair opportunity to the petitioner by way of personal hearing to produce all relevant records and the second respondent shall pass orders in accordance with law and on merits on the petitioner's application within a period of eight [8] weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

05.03.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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P.B.BALAJI, J.

MR

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