



W.P.(MD)No.9963 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)No.9963 of 2025

and

W.M.P.(MD)Nos.7421 and 15787 of 2025

A.Clarence Mary

... Petitioner

-VS-

1.The Sub Collector,
Office of the Sub Collector,
Kumbakonam.

2.Sukirtha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned order vide Na.Ka.No.4388/2024/A3 dated 28.02.2025 from the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.V.Sasi Kumar

For R1 : Mr.B.Ramanathan
Additional Government Pleader

For R2 : Mr.P.Samuel Gunasingh



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ORDER

This Writ Petition has been filed seeking to quash the impugned order of the first respondent, dated 28.02.2025.

2. The brief facts of the case are that the impugned order was passed without giving an opportunity to the petitioner to represent her case. It is not in dispute that the enquiry was held on 29.01.2025; however, the notice was served on the petitioner only on 30.01.2025. The impugned order was passed after the enquiry conducted on 29.01.2025. It is further not in dispute that there was no enquiry on the date the impugned order was passed.

3. Though it was argued by the learned Additional Government Pleader for the first respondent that the impugned order is appealable, this Court can interfere when the petitioner was not given an opportunity to participate in the enquiry. On the sole ground that the petitioner was unable to appear in the enquiry held on 29.01.2025, after which the impugned order was passed, this Court deems it appropriate to set aside the impugned order of the first respondent and remit the case back to the first respondent to conduct a fresh enquiry.



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4. The first respondent shall give opportunity to the petitioner, the second respondent, as well as all other necessary parties, to participate in the proceedings. At the first instance, when the notice is issued, the petitioner shall appear and provide the documents she relies upon. After giving reasonable opportunity to all the parties concerned, the first respondent shall conclude the proceedings and pass appropriate orders in accordance with law. It is made clear that if the petitioner fails to appear and the absence of the petitioner is found to be deliberate, the first respondent shall conclude the proceedings in her absence.

5. Accordingly, this writ petition stands allowed with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
smn2

(K.SURENDER, J.)
09.12.2025

To:-

The Sub Collector,
Office of the Sub Collector,
Kumbakonam.



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