



W.A.(MD)No.543 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.543 of 2022

and

C.M.P(MD)No.4800 of 2022

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Special Tahsildar,
Devakottai Taluk,
Sivagangai District.

... Appellants /
Respondents

Vs.

Sebasthiammal

... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 22.06.2021 in W.P(MD)No.8705 of 2021 on the file of this Court and allow the same.

For Appellants : Ms.P.B.Ahamed Yasmin Parvin
Government Advocate



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For Respondent : Mr.J.Anandkumar

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JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.The writ petitioner was recipient of sum of Rs.400/- per month under old age pension scheme from 2010 onwards. Suddenly, the payment was stopped. When the writ petitioner represented to the authority, she was informed that resumption of payment was not possible. Challenging the said communication, the writ petitioner moved this Court. The writ petitioner's case was taken up along with similar writ petitions. By common order dated 22.06.2021 the learned Judge allowed the writ petitions. The reasons for interference was that principles of natural justice were not complied with.

3.In fact, the learned Judge was fair enough to say that the petitioners would be entitled to receive his pension under the scheme till it is cancelled in the manner known to law after affording an opportunity to the petitioners. We are of the view that such an order does not deserve to be challenged by filing an appeal.



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4.The learned Government Advocate would claim that opportunity

was in fact given and only thereafter a cancellation order was passed.

5.We called upon the learned Government Advocate to draw our attention to the relevant communication. Our attention is drawn to the communication dated 14.12.2018 sent by the Sub Collector, Devakottai to the District Collector, Sivagangai. We are not able to discern any compliance with the principles of natural justice in the said communication. Admittedly, no show cause notice was issued. Therefore, the learned Judge was right in granting relief. Interference is not warranted. The appellants are directed to pay the arrears payable to the writ petitioners without any delay.

6.This Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]

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NCC : Yes / No
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