



W.P. No.4427 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

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CORAM :
THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.4427 of 2022
and
W.M.P.No.4569 of 2022

N.Jeyakumar

...Petitioner

Vs.

1.Sub-collector,
Pollachi,
Tiruppur District.

2.Tahsildar,
Anaimalai,
Pollachi Taluk,
Tiruppur District.

3.M.Arumugam
4.Malathi
5.T.Selvathal
6.T.Kuppumuthu
7.M.Subramaniam
8.M.Arumugam
9.A.Arunkumar
10.K.Muthulatchmi
11.R.Balusamy
12.R.Mariyammal
13.D.Mariyammal
14.M.Dhanalatchmi
15.D.Senthilkumar
16.T.Pazhaniyammal
17.T.Suseela
18.V.Parvathy
19.M.Annammal



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- 20.K.Balamani
- 21.B.Amaravathi
- 22.M.Selvaraj
- 23.N.Rathinam
- 24.K.Ponnusamy
- 25.T.Dharmaraj
- 26.P.Manokar
- 27.P.Kittusamy
- 28.K.Nachimuthu
- 29.P.Thirumoorthy
- 30.T.Arumugam
- 31.N.Arumugam
- 32.T.Somasundaram
- 33.G.Jothimani
- 34.C.Sabarinathan
- 35.P.Thangamuthu
- 36.R.Thangaraj
- 37.K.Sivamani
- 38.T.Arumugam
- 39.P.Kittusamy
- 40.R.Ramasubbu
- 41.P.Ramasamy
- 42.C.Thandapani
- 43.M.Rajkumar
- 44.T.Sittrarasam
- 45.G.Maniappan
- 46.Kumaravel
- 47.K.Sakthikumar
- 48.L.Gurusamy
- 49.K.Nataraj
- 50.K.Chinappan
- 51.R.Kanagaraj
- 52.S.Senthilkumar
- 53.C.Mariammal
- 54.T.Chinappan
- 55.D.Thangamuthu
- 56.P.Ramaraj
- 57.T.Sakthivel
- 58.V.Sivamani
- 59.P.Kalimuthu

<https://www.mhc.tn.gov.in/judis>



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60.P.Uthaman

61.S.Mayilsamy

62.S.Selvi

63.G.Subramaniam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 2nd respondent made in Na.Ka.No.1826/2021/A2 dated 05.01.2022 and quash the same.

For Petitioner : M/S.K.Kumaresh Babu

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari, to call for the records of the 2nd respondent made in Na.Ka.No.1826/2021/A2 dated 05.01.2022 and quash the same.

2. The case of the petitioner is that the petitioner's father is the owner of the land in Ka.Sa.No.668/1A1, Pongaliyur Village, Kottur Majra, Anaimalai Circle, Coimbatore District (hereinafter referred to as "Schedule Property"), and the title deed stands in the name of the petitioner's father. While so, on 07.09.2021, the petitioner receives a notice from the 2nd respondent calling upon the petitioner regarding the grant of Patta with respect to the Schedule Property in favour of certain private parties, who are the respondents from 3 to 63 and all these respondents have made an application seeking for grant of



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Patta by claiming that they have resided in the Schedule Property for the past 50 years. Thereafter, the revenue officials recommended for issuance of Patta in favour of private respondents. However, without providing any opportunity to the petitioner, the 2nd respondent proceeded further and issued an ex-parte order in Na.Ka.No.1826/2021/A2 dated 05.01.2022, allowing for the grant of Patta in favour of the private respondents 3 to 63. Challenging the same, the present Writ Petition is filed.

3. The learned counsel for the petitioner submits that the present impugned order dated 05.01.2022 has been passed by the 2nd respondent in favour of the private respondents, without providing opportunity to the petitioner and therefore, it is *non-erst* in law and in clear violation of the principles of natural justice. Accordingly, he prayed for allowing of this Writ Petition.

4. The learned Additional Government Pleader for the respondents submits that the impugned order was passed based on the documents available at the relevant point of time. However, the impugned order itself makes it clear that there is an appeal remedy available before the 1st respondent/Sub-collector and the petitioner without exhausting the said



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appeal remedy, has filed the present petition and hence prays for dismissal of this petition.

5. On perusal of the impugned order, it clearly shows that the petitioner was given opportunity for his appearance on 08.09.2021. On that day, the petitioner appeared before the 2nd respondent and agreed to produce all necessary documents in two months, in order to prove his title, however even after a lapse of more than two months, the petitioner not produced any relevant documents and thereby, the present impugned order was passed by the 2nd respondent against the petitioner.

6. Hence, this Court is not inclined to interfere with the impugned order passed by the 2nd respondent. However, a liberty is granted to the petitioner to approach the 1st respondent by way of filing an appeal within a period of two weeks from the date of receipt of a copy of this order. However, the limitation period shall not be considered for filing the appeal, as mentioned in the impugned order. If any such appeal is filed within a period of twelve weeks, the 1st respondent shall consider and pass appropriate orders on the same as expeditiously as possible, after providing opportunity of hearing to the private respondents.



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7. With the above direction, this Writ Petition is disposed of. No Costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

Speaking order / Nonspeaking order
jd/sk

To

1. The Secretary to Government
Highways Department
Government of Tamil Nadu
Fort St.George
Chennai 9.
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natrajan Building
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Collector,
Chennai District
Chennai.
4. The Divisional Engineer
Highways Department
Construction and Maintenance
Chennai City Roads Division
Chennai 600 015.
5. The Assistant Director,
(Urban Land Ceiling) and Competent Authority
Adambakkam,
Chennai 88.



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M.DHANDAPANI, J.

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