



W.P.(MD)No.11841 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11841 of 2023

and

W.M.P.(MD)Nos.10246 and 10247 of 2023

Malleswari Nayagam

... Petitioner

versus

1. The Collector,
Dindigul District,
Thiagi Subramania Siva Malihai,
Velu Nachiyar Valaham,
Chettinaickenpatti,
Dindigul-624 004.

2. The District Revenue Officer,
Dindigul District,
Thiagi Subramania Siva Malihai,
Velu Nachiyar Valaham,
Chettinaickenpatti,
Dindigul-624 004.

3. The Sub-Collector/Revenue Divisional Officer,
Kodaikanal Circle,
Kodaikanal – 624 101.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.En.14858/2022/D1 dated 22.04.2023 on the file of the second respondent and quash the same as illegal and consequently direct the respondents to issue patta in favour of the petitioner.

For Petitioner : Mr.Sharath Chandran
For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner purchased the petition mentioned property at a public auction held by the Administrator appointed by the Madras High Court on behalf of M/s.Maxima Investments and Finance. Sale deed was executed in favour of the petitioner on 05.10.2021. Patta was also changed in her favour. While so, on 17.02.2020, the Revenue Divisional Officer, Kodaikanal, cancelled the patta and reclassified the land as “assessed waste dry”. Questioning the same, the petitioner filed



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an appeal before the second respondent. The second respondent by the impugned order confirmed the order passed by the original authority and dismissed the petitioner's appeal. Challenging the same, this writ petition came to be filed.

3.The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order.

4.Per contra, the learned Additional Government Pleader submitted that the petitioner is very much having alternative remedy by filing a revision before the Commissioner of Land Administration, Chepauk, Chennai. Therefore, this writ petition cannot be maintainable.

5.I consciously refrain from going into the merits of the matter.

6.The petitioner herein had earlier filed W.P.(MD)No.3429 of



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2023, for directing the appellate authority to dispose of her appeal. The said writ petition was disposed of by me on 22.01.2023. Paragraphs 3 and 4 of the said order read as follows:

"3...A reading of the order dated 17.02.2020 clearly indicates that it was passed without notice to the petitioner herein. The third respondent has mentioned in the order that they could not trace whereabouts of the writ petitioner. This reason cannot be accepted. Admittedly, the petitioner's name figures in the encumbrance register.

4. A mere look at the sale deed would have indicated the writ petitioner's address. Of-course, the address set out in the cause title and the address set out in the sale deed dated 05.10.2001 are different. The third respondent however did not make any effort to send a notice to the address mentioned in the sale deed. The third respondent appears to have chosen the lazy way of sending notice to the taluk office. Even though the violation of the principles of natural justice is apparent and evident on the face of the record, in as much as an appeal has been preferred before the second respondent, the second respondent is directed to pass final order on the petitioner's appeal within a period of two weeks from the date of receipt of a copy of this order."

7.I am more than satisfied that the order passed by the original authority is clearly in violation of the principles of natural justice. The



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writ petitioner, who is a resident of Chennai and whose address is very much available, was never put on notice. The entire action has taken place behind her back. It is surprising that the appellate authority has not even considered this aspect of the matter. In this view of the matter, the order impugned in this writ petition is set aside and the matter is remitted to the 3rd respondent. The petitioner is directed to appear before the 3rd respondent on **06.06.2023** at 3.00 p.m. The 3rd respondent shall issue fresh notice to the petitioner on the said date and pass final order on merits and in accordance with law thereafter.

8.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

12.05.2023

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NCC : Yes / No.

Index : Yes / No.

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G.R.SWAMINATHAN, J.

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