



W.P.No. 32698 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 32698 of 2024
and W.M.P.Nos.35534, 35535 and 35537 of 2024

1. Murali
2. Sathish Kumar

...Petitioners

Vs

1. The Revenue Divisional Officer,
Dharmapuri District
Dharmapuri
2. The Tahsildar
Nallampalli Taluk,
Dharmapuri District.
3. The Village Administrative Officer,
Adhiyamankottai Village,
Nallampalli Taluk
Dharmapuri District
4. Ramasamy

...Respondents



W.P.No. 32698 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the records of the impugned order of the 1st respondent in his proceedings in Ni.Mu.3431/2023/A3 dated 02.01.2024 and quash the same and consequently direct the 1st respondent to cancel the patta No.3830 dated 19.01.2024 of the 2nd respondent and then direct the 1st respondent to conduct fresh enquiry on the application of the 4th respondent dated 18.10.2023 by issuing notice and providing opportunities to the petitioners to conclude the same on merits in accordance with law.

For Petitioner	:	Mr.A.Ilayaperumal
For Respondents 1 to 3	:	Mr.M.R.Gokul Krishnan Additional Government Pleader
For Respondent 4	:	Ms.Darshini Priya

ORDER

The writ petition has been filed for the following relief:

“To issue a writ of certiorarified mandamus calling for the records of the impugned order of the 1st respondent in his proceedings in Ni.Mu.3431/2023/A3 dated 02.01.2024 and quash



the same and consequently direct the 1st respondent to cancel the patta No.3830 dated 19.01.2024 of the 2nd respondent, to conduct a fresh enquiry on the application of the 4th respondent dated 18.10.2023 by issuing notice to the petitioners and to conclude the same on merits in accordance with law.”

2. It is the case of the petitioners that their great grandfather, Puttan @ Raman was the owner of the land measuring an extent of 0.32 cents in S.No.138/1C2B of Adhiyamankottai Revenue Village, Nallampalli Taluk, Dharmapuri District. He had two wives, namely Chinnammal and Angammal. Through the said Chinnammal, he had two daughters, Periyamuniyammal and Chinnamuniyammal. The said Periyamuniyammal had one daughter Panchalai and the Chinnamuniyammal had no issues. The said Panchalai had two sons, who are the petitioners herein. Through the second wife, Angammal, he had one daughter, Madhammal and two sons, namely, 4th respondent herein and Chinnasamy.



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3. The petitioners would submit that their grandfather had orally settled the property in favour of his first wife, Chinnammal and after her death, her daughters inherited the properties. The daughters of Chinnammal, Periyamuniammal and Chinnamuniammal had orally relinquished their rights in favour of the said Panchalai. The said Panchalai became the absolute owner of the said property. Patta No.1770 was issued to the said Panchalai. Thereafter, the said Panchalai had settled the property in favour of the petitioners under a Settlement Deed dated 15.11.2019. Patta No.2386 was issued in favour of the petitioners.

4. While so, the 4th respondent had submitted a petition before the District Collector, Dharmapuri during the grievance day and the same has been forwarded to the 1st respondent for taking appropriate action. Thereafter, the 1st respondent had issued a notice dated 09.10.2023 to the petitioners by fixing the enquiry on 18.10.2023. On 18.10.2023,



the petitioner had appeared before the 1st respondent and requested time to submit their reply. The 1st respondent had accepted the said request and informed the petitioners that the next date of hearing would be communicated. On 29.02.2024, the petitioners had verified the online patta and they came to learn that the patta had been granted in favour of Puttan @ Raman. Therefore, the petitioners had given representations dated 01.03.2024 and 04.03.2024 to the 1st respondent requesting for a copy of the impugned order dated 02.01.2024. On 01.03.2024, the 1st respondent had submitted an application under Right to Information Act requesting to furnish the impugned proceedings. In the meanwhile, the petitioner had also filed a suit O.S.No.81 of 2024 before the District Munsif Court, Dharmapuri for a declaration and permanent injunction against the 4th respondent and his brother Chinnasamy. The impugned order was furnished to the petitioner on 19.08.2024. Challenging the said order, the petitioner is before this Court.



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5. Heard the learned counsels on both sides and perused the materials available on record.

6. A reading of the impugned order clearly shows that the petitioners have not participated in the proceedings as they had sought time to produce the documents. There is nothing in the impugned order to show that this request was turned up. Therefore, the impugned order has been passed without affording an opportunity to the petitioner to put forward their case. Further, the suit for declaration and injunction has been filed by the petitioners.

7. Therefore, taking note of the fact that the petitioners have not been given an opportunity to put forward their contentions before the impugned order is passed, there is a violation of the principles of natural justice and the impugned order has to be set aside.



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8. Accordingly, the Writ Petition is allowed and the impugned order is set aside. The revenue records are directed to be restored to its original state within a period of two weeks from the date of receipt of a copy of this order. The respondents are directed not to mutate or transfer the revenue records till the disposal of the suit O.S.No.81 of 2024 on the file of the District Munsif Court, Dharmapuri. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.11.2024

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

1. The Revenue Divisional Officer,
Dharmapuri District
Dharmapuri

7/9



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2. The Tahsildar
Nallampalli Taluk,
Dharmapuri District.
3. The Village Administrative Officer,
Adhiyamankottai Village,
Nallampalli Taluk
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P.T.ASHA, J.,

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