



W.P.(MD) No.12051 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.12051 of 2017

and

W.M.P(MD)No.9277 of 2017

A.Pandiammal

.. Petitioner

Vs.

1.The Sub-Collector,
O/o Sub Collector,
Kodaikanal,
Dindigul District.

2.The District Revenue Officer,
District Revenue Office,
Dindigul District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Kodaikanal,
Dindigul District.

4.The Assistant Settlement Officer (South),
Chepauk,
Chennai-5.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorarified Mandamus, to call for the



W.P.(MD) No.12051 of 2017

records of the Impugned Order of summons in Na.Ka.No.1162/ 2017/ A1, dated 08.06.2017 passed by the 1st respondent and quash the same and direct the 2nd and 3rd respondents to revoke the cancellation of registration and consequently to restore the patta which was granted to the petitioner.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner seeks to challenge a notice of enquiry which has been issued by the 1st respondent and to direct the respondents 2 and 3 to revoke the cancellation of registration and restore the patta.

2. The petitioner had stake a claim in respect of the property comprised in Survey Nos.1145/1, 1145/2, 1145/2, 1145/3, 1145/4 and 1145/5 totally measuring an extent of 5.99.5 hectare at Poondi village, Kodaikanal Taluk, Dindigul District, in respect of which her husband had been issued a Ryotwari patta by proceedings of the 4th respondent on 07.12.2011. The 4th respondent had after scrutinizing the records and after ascertaining the fact that the petitioner's land as well as the patta



W.P.(MD) No.12051 of 2017

were in the name of individuals and thereafter, by some error, the lands were changed as Government lands and patta was cancelled. The same was thereafter issued in favour of the petitioner's husband, namely Anbazhagan and on his settling the property upon the petitioner, the revenue records were mutated in her name. While so, it appears that the 2nd and 3rd respondents have arbitrarily cancelled the patta granted by the 4th respondent and have cancelled the settlement deed executed by the petitioner's husband in her favour. No notice has been issued before these orders have been passed. The petitioner would submit that on the basis of this *suo motu* cancellation of registration without decree, the impugned notice has now been received. Therefore, the petitioner has come forward with the writ petition.

3. Heard the learned counsel on either side.

4. The petitioner has just been issued with a notice and it is well open to her to submit her objections during the enquiry and without participating in the enquiry, she has rushed to this Court challenging the enquiry notice which has been issued on account of rival claims and the same cannot be quashed at the threshold without the petitioner



W.P.(MD) No.12051 of 2017

submitting her objection to the same. Therefore, this writ petition is disposed of with the following directions:

(i) The 1st respondent shall reissue notice of hearing to the petitioner for appearing for the enquiry refixing the enquiry date within a period of two (2) weeks from the date of receipt of copy of this order.

(ii) On receiving the enquiry notice, the petitioner shall participate in the enquiry proceeding and submit her objections on the date of hearing before the 1st respondent.

(ii) The respondent shall consider the objections and thereafter, pass orders on merits within a period of six (6) weeks from the date of enquiry.

5. In view of the above terms, this Writ Petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

09.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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W.P.(MD) No.12051 of 2017

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W.P.(MD) No.12051 of 2017

P.T.ASHA, J.

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