



W.P.No.1151 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1151 of 2019
and W.M.P.Nos.1309 & 1310 of 2019

R.Jayachandran

...Petitioner

-Vs-

The Custodian of Enemy Property and
District Collector,
Vellore.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Ceriorari, calling for the records pertaining to the impugned notice affixed in the property of the petitioner by the respondent in the name of Form 4 (See Rule 4(3) of the Enemy Property Rule, 2015) office of the Custodian of Enemy Property for India, Notice dated 22.12.2018 and quash the same.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.T.Arun Kumar
Additional Government Pleader



W.P.No.1151 of 2019

WEB COPY

ORDER

This writ petition has been preferred as against the notice dated 22.12.2018, issued by the respondent thereby declaring the subject land as enemy property under the Enemy Property Rule, 2015.

2. The property comprised in S.F.No.175/1, 176/1, 176/2 situated at Pudhukesavaram Village, Arakonam Taluk, Vellore District was originally owned by one Syed Gulam Jilani. Thereafter, the said property was gifted in favour of his sister viz., Ijjadunniga Bi Bi. subsequently, it was sold out in favour of one Kishtama Naidu by the sale deed dated 10.02.1969. The said Kishtama Naidu and his sons including the father of the petitioner, were partitioned their properties by the partition deed dated 22.05.1973 and the subject property was allotted in favour of the petitioner's father. While being so, on 16.03.2000, the petitioner's father died and the petitioner derived the title over the property by way of partition. While being so, on 22.12.2018 the respondent without conducting any enquiry and without any notice to the petitioner, erected a flex board in the said property by stating that the subject property is enemy property and the same is vested with the respondent under Section 5, 5A and 12 of the Enemy Property Act, 1968.



W.P.No.1151 of 2019

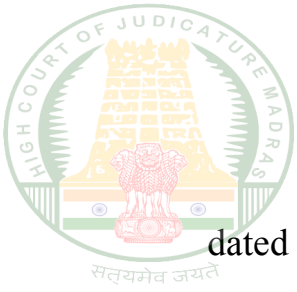
Hence, the petitioner filed the present writ petition.

WEB COPY

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the counter affidavit filed by the respondent and on the submission made by the learned Government Advocate, it is revealed that the subject property originally owned by one Syed Gulam Jilani, who left India and settled down at Pakistan. The properties owned by the persons who belonged to the enemy nations like Pakistan, China etc., were declared as enemy property. While the said Syed Gulam Jilani before leaving India, neither retained nor sold out the property to any body. Therefore, the property has been declared as enemy property under Enemy Property Act, 1968.

5. According to the petitioner, the said Syed Gulam Jilani gifted the subject property to his sister viz., Ijjadunniga Bi Bi, by way of Hiba. In turn, she sold out the subject property to one Kishtama Naidu by sale deed date 10.02.1969. A copy of the sale deed was also produced before this Court. However, the respondent before issuing the notice



W.P.No.1151 of 2019

dated 22.12.2018, did not conduct any enquiry in this regard. The petitioner, who is now in possession and enjoyment of the property, was not given any opportunity of hearing. It is clear violation of principles of natural justice. On that ground alone, the impugned notice cannot be sustained and liable to be quashed.

6. Accordingly, the impugned notice dated 22.12.2018, issued by the respondent in the name of Form 4 under Rule 4(3) of the Enemy Property Rule, 2015, is hereby quashed. If the respondent wants to proceed further as against the subject property, the respondent shall issue notice to the petitioner and after conducting enquiry by giving an opportunity of hearing to the petitioner, pass fresh order in accordance with law, under the Enemy Property Act, 1968.



W.P.No.1151 of 2019

WEB COPY 7. With the above directions, the Writ Petition stands allowed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

01.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts

To

The Custodian of Enemy Property and
District Collector,



WEB COPY



W.P.No.1151 of 2019

G.K.ILANTHIRAIYAN. J.

rts

W.P.No.1151 of 2019 and
W.M.P.Nos.1309 & 1310 of 2019

01.09.2025