



WEB COPY



W.P.No.1226 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1226 of 2020

And

W.M.P.No.1485 of 2020

- 1.R.Venkataraman (deceased)
- 2.Nagalakshmi
- 3.Harinarayana
- 4.Brinda

(P2 to P4 are substituted as LRs
of deceased P1 as per order dated
04.12.2024 in WMP.39717/2024 in
WP.1226/2020 by SSJ)

... Petitioners

Vs.

- 1.The Assistant Commissioner,
Hindu Religious & Charitable Endowment,
No.8, Mohammed Ali Club Road,
Dharmapuri – 636 701.

- 2.The Tahsildar,
Krishnagiri District.

(R2 suo motu impleaded vide
order dated 24/11/2020 made in
WP.1226/2020 by ASMJ)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari directing the respondent to call for the



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records on the file of the respondent in proceedings ROC 6173/1998-2/A6 dated 10.01.2020 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioners : Mr.V.Raghavachari
Senior Counsel
for M/s.V.Srimathi
For Respondents : Mr.K.Karthikeyan for R1
Government Advocate

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorari directing the respondent to call for the records on the file of the respondent in proceedings ROC 6173/1998-2/A6 dated 10.01.2020 and quash the same as illegal, incompetent and without jurisdiction.

2.The learned Senior Counsel appearing for the petitioners submitted that the first petitioner's father was assigned the property in Old S.No.934/1B2A1 of Boganapalli Village, Krishnagiri Taluk and patta was also granted in his favour and the said land was classified as grama natham and he settled the property in the name of the first petitioner on 09.07.2010, however, the first respondent issued notice under Section 78(2) of the HR&CE Act against the petitioners, which is not sustainable one.



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3.The learned Senior Counsel appearing for the petitioners further submitted that the subject property is classified as grama natham and grama natham land never vest with the HR&CE department or with the Government. If at all the first respondent have any grievance, the first respondent have to file appeal before the appellate authority and without doing so, filing writ petition is not sustainable one.

4.The learned Government Advocate appearing for the first respondent submitted that as against the patta granted in favour of the first petitioner, already appeal is pending before the Revenue Divisional Officer.

5.The facts of the case is not in dispute. When appeal is pending before the appellate authority, without obtaining any order from the appellate authority, issuing eviction notice is not sustainable one.

6.In view of the above, the writ petition is allowed. The proceedings of the first respondent dated 10.01.2020 is set aside. However, liberty is granted to the first respondent to work out the



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M.DHANDAPANI,J.

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remedy after disposal of the appeal pending before the Revenue Divisional Officer. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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