



W.A.No.1901 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2025

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CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N. SENTHILKUMAR**

**Writ Appeal No.1901 of 2025
and CMP.No.14468 of 2025**

1.Padmini @ Gowri
2.B.Manoharan
3.M.Mohan
4.K.Krishnan

.. Appellants

VS

1.Immanuel John
2.The Collector,
Nilgiris District.
3.The District Revenue Officer,
Nilgiris, Nilgiris District.
4.The Revenue Divisional Officer,
Coonoor, Nilgiris District.
5.The Tahsildar,
Kothagiri Taluk,
Nilgiris District.
6.The Sub Registrar,
Kothagiri, Kothagiri Taluk,
Nilgiris District.

.. Respondents



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Prayer : APPEAL filed under Clause 15 of the Letters Patent against the order dated 12.12.2024 made in W.P.No.36951 of 2024 on the file of this Court.

For Appellants : Mr.V.Anandhamoorthy

For Respondents : Mr.D.Daniel, (for R1)

Mr.A.Selvendran, (for R2 to R6)
Special Government Pleader

JUDGMENT

(Delivered by Dr.ANITA SUMANTH.,J)

The private respondents in W.P.No.36951 of 2024 have filed this Writ Appeal. The Writ Petition was filed by R1, for whom Mr.D.Daniel, learned counsel appears, seeking a Writ of Certiorarified Mandamus challenging order dated 10.07.2024, passed by the District Revenue Officer (DRO), Nilgiris. A consequential direction was also sought by R1 as against the Tahsildar, Kothagiri Taluk, Nilgiris District for restoring patta No.3649 in relation to 30 cents of land in S.No.741/1B in Nadhuhatty Village, Kotagiri Taluk, Nilgiris District ('property'/'property in question').

2. According to the Writ Petitioner, such a prayer ought to be granted in light of order dated 01.03.2018 passed in O.S.No.13 of 2014 by the District Munsif Court, Kotagiri, confirmed in Appeal Suit No.21



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of 2018 dated 16.08.2019 on the file of the Subordinate Court, Coonoor.

WEB COPY 3. The Writ Petition has been disposed on 12.12.2024, admittedly at the stage of admission. No counter has been filed by the State to provide clarity in regard to the facts involved. Admittedly, no notice was issued to the present appellants as well. While concluding the order, the learned Judge has proceeded on the basis that the R1's title to the property has been declared by the Civil Court and the said order has not been challenged by the appellants herein.

4. Hence, the Writ Petition has come to be allowed, order dated 10.07.2024 was set aside and the DRO was directed to delete the subdivisions and restore the survey numbers together with sub-divisions in favour of R1. The RDO, Coonoor was directed to issue patta on or before 12.12.2024 and the matter was directed to be listed for reporting compliance on 13.12.2024.

5. Mr.Selvendran, learned Special Government Pleader confirms that a Contempt Petition has been filed by R1 and hence the State has also complied with the order. Patta in regard to the property in question now stands in favour of R1.

6. Positive directions have been issued by the Writ Court that have a significant bearing on the civil rights of the appellants, where



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admittedly, no notice has been issued to them. Their version of the facts has not been presented before the Writ Court at all. In fact, before us, they would state that the orders passed in the Civil Suit by the District Munsif Court, Kotagiri on 01.03.2018, confirmed in Appeal Suit by the Subordinate Court, Coonoor on 16.08.2018 should not be interpreted in a manner as interpreted by R1.

7. These facts should have been presented before the Writ Court in order that the same may have been appreciated by the Writ Court. However, in view of the fact that they have not been put to notice and no counter has been filed, they were precluded from doing so. Hence, we are of the categorical view that the impugned order has been passed in violation of the principles of natural justice.

8. R1 had earlier filed W.P.No.25784 of 2021 challenging proceedings for issuance of patta and that Writ Petition had come to be disposed on 15.11.2023 directing inclusion of the name of R1 also in the patta for the subject property. As against that order, the appellants filed W.A.No.1669 of 2024, that came to be dismissed on 13.06.2024.

9. The resultant position was thus that both the names of the appellants and R1 figure in the joint patta to the subject property. Not content with that, W.P.No.36951 of 2024 had come to be filed seeking



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exclusive patta to the subject property which has resulted in impugned order dated 12.12.2024.

10. In light of the fact that order dated 12.12.2024 passed by the Writ Court is in violation of the principles of natural justice and due process, the same is set aside and the matter is remanded to the file of the learned single Judge. The respondents in the Writ Petition and appellants in this Writ Appeal may be called upon to file their counter and the matter heard thereafter.

11. In light of the order now passed, patta in regard to the subject property shall stand restored to the joint names of the appellants and R1 as ordered by the Division Bench on 13.06.2024 in W.A.No.1669 of 2024, within a period of three (3) days from today.

12. This Writ Appeal is allowed with directions as above. No costs. Connected Miscellaneous Petition is closed.

[A.S.M., J] [N.S., J]
30.06.2025

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

Note: Registry is directed to issue a copy of this order on or before 01.07.2025.



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DR. ANITA SUMANTH,J.
and
N. SENTHILKUMAR.,J

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To

- 1.The Collector,
Nilgiris District.
- 2.The District Revenue Officer,
Nilgiris, Nilgiris District.
- 3.The Revenue Divisional Officer,
Coonoor, Nilgiris District.
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