



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

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CORAM :

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

**W.P. No. 21952 of 2025
and W.M.P. No.24694 of 2025**

B. Suganya

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Vengikkal,
Thiruvannamalai - 606 604.

2. A. Moorthy

... Respondents

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India seeking Writ of Mandamus restraining the first respondent from passing any orders in connection with the representation of the second respondent dated 03.03.2025, or any other such representation given by the second respondent, without giving the petitioner an opportunity of being heard.

For Petitioner : Mr. Richardson Wilson

For R1 : Mr. A. Selvendran,
Special Government Pleader



ORDER

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By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to the 2nd respondent is dispensed with.

2. The present writ petition is filed praying for a writ of mandamus to restrain the 1st respondent from passing any orders on the representation dated 03.03.2025 made by the 2nd respondent, without giving an opportunity of hearing to the petitioner.

3. It is submitted by the learned counsel for the petitioner that the petitioner purchased property comprised in Survey No.25/2A1, New Survey No.25/2A1A1, admeasuring 1.70 acres, situated at Athiyandhal Village, Thiruvannamalai Taluk, Thiruvannamalai District from one T.S.Jayasaravanan vide Sale Deed registered as Doc.No.6037 of 2010 dated 24.06.2010, on the file of Joint Sub Registrar-II, Tiruvannamalai. Ever since the purchase, petitioner has been in absolute possession of the subject property.

3.1. It is submitted by the learned counsel for the petitioner that the



petitioner had submitted a representation for mutation of patta in his name. As the respondent authority was refusing/reluctant to mutate the patta in petitioner's name, petitioner filed a suit before the Principal District Munsif, Tiruvannamalai in O.S.No.313 of 2013, seeking for a declaration of title of scheduled property and to issue patta in petitioner's favour. The Principal District Munsif had decreed the suit in petitioner's favour. The relevant portion is extracted hereunder:

“21. In the result, the suit is decreed as prayed for. The plaintiff is entitled for the relief of title over the suit properties. The defendants are directed to issue patta in favour of the plaintiff in respect of suit properties in S.No.25/2A1 in accordance with law within 3 months from the date of receipt of this decree. Both parties to bear the cost.”

3.2. The petitioner thereafter applied for Patta and submitted representations to the 1st respondent on several occasions viz., 07.01.2016, 03.11.2017, 23.01.2018, 15.07.2019, 21.06.2021 and 06.12.2021. As the same was not being considered, the petitioner had to once again approach this Court in W.P.No.1435 of 2022, wherein the said writ petition was disposed of with the following direction:

"3. The Tahsildar, Tiruvannamalai is directed to conduct enquiry on the representation of the Petitioner, after issuance of notice to the Petitioner and the counter parties, if any, by giving them an opportunity of hearing and passing within a period of twelve weeks from the date of receipt of a copy of this order.”



3.3. It is submitted by the learned counsel for the petitioner that pursuant to the order of this Court, Tahsildar conducted an enquiry, gave recommendations and sought detailed clarification from the 1st respondent vide letter No.G1/32123/2013 dated 30.05.2022. However, no further steps was taken by the 1st respondent. Aggrieved, petitioner had to file yet another writ petition in W.P.No.4845 of 2023, seeking issuance of Patta. This Court vide its order dated 21.02.2023, passed the following order:

"5. Considering the said submission made by the learned Special Government Pleader for the respondents, this court directs the 4th respondent to consider the said representation dated 12.12.2022 in the light of the aforestated and pass necessary order thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order."

3.4. Thereafter, Patta was issued to the petitioner on 18.12.2024. However, a letter dated 03.03.2025 was sent by the 2nd respondent to the 1st respondent stating that the subject land is a Depressed Land and thus the issuance of patta may not be legal. Thus, the only request of the petitioner is that he must be heard before any orders are passed on the representation made by the 2nd respondent.

4. When this was pointed out, the learned Special Government Pleader appearing for the 1st respondent would submit that the petitioner would be issued



with a notice while considering the representation made by the 2nd respondent and the petitioner would be heard before any orders are passed, which was agreed to by the learned counsel for the petitioner.

5. In view thereof, the writ petition stands disposed of with a direction to the 1st respondent to pass orders on the representation made by the 2nd respondent, after putting the petitioner and 2nd respondent on notice and after affording a reasonable opportunity of hearing to the petitioner and 2nd respondent. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

23.06.2025

spp

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

To:

The District Collector,
District Collector Office,
Vengikkal,
Thiruvannamalai - 606 604.



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W.P. No.2195



MOHAMMED SHAFFIQ, J.

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