



WEB COPY

WA NO. 257 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-01-2025

CORAM

THE HONOURABLE MR JUSTICE S. S. SUNDAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

WA Nos. 257 and 258 of 2025

and

CMP.Nos. 1872 & 1875 of 2025

1. V.N.Dharmarajan

2. Banumathi ..Appellants in both WAs

Vs

1. The District Collector

Nagapattinam District.

2. The Tahsildar

Kilvelur Taluk, Nagapattinam District.

3. The Zonal Deputy Tahsildar

Taluk Office, Kilvelur, Nagapattinam District.

4. The Village Administrative Officer,

sivan Keezha Veedhi, Velankanni, Nagapattinam District.

5. Shrine Basilica Velankanni Church

Rep by Rev.Fr.C.Irudhayaraj,

Rector, Velankanni Church,

Nagapattinam 611 111 ..Respondents in both WAs

Common Prayer : These writ appeals are filed under Clause 15 of Letters Patent Act to set aside the common order passed in W.P.Nos. 21822 & 21824 of 2024 , dated 31.07.2024.

For Appellants : Mr.P.Dinesh Kumar

For Respondents : Mr.A.Selvendran, Spl.GP – R1 to R4

Mr. L. Mouli - R5

COMMON JUDGMENT

(Order of the Court was made by the Hon'ble S.S.Sundar J.)

These appeals are directed against the common order passed by the learned

Single Judge in W.P. Nos. 21822 & 21824 of 2024, dated 31.07.2024. The writ

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petitions were filed by the 5th respondent, praying for a writ of certiorari to call for the



entire records and quash the proceedings of the Tahsildar, Kilvelur Taluk, Nagapattinam District/2nd respondent, dated 29.06.2024 & 02.07.2024.

2. It is seen that the writ petitioners have a rival claim and have raised serious objections to the transfer of the patta in favor of the 5th respondent/appellant herein, which was done without notice to the writ petitioners/5th respondent herein.

3. The learned Single Judge, taking note of the submissions made by the learned Additional Government Pleader appearing for the official respondents to the effect that the impugned proceedings issued passed by the Tahsildar, Kilvelur Taluk, Nagapattinam District, without providing an opportunity of hearing to the writ petitioner or conducting any inquiry, remitted the matter to the 2nd respondent with a direction to decide the issue afresh after issuing fresh notice to the concerned parties.

4. The learned counsel for the appellant submitted that no opportunity was given to the appellant before passing the order. The same grievance was expressed by the writ petitioner/contesting respondent before the learned Single Judge. Therefore, no prejudice is likely to be caused to the appellant due to the directions issued by the learned Single Judge.



5. Admittedly, from the records and the submissions of the learned Additional Government Pleader, it is evident that the patta was transferred in favour of the appellants without issuing notice to the writ petitioner/5th respondent herein. Since the order was challenged on the ground of violation of principles of natural justice, the learned Single Judge rightly set aside the impugned order and remitted the matter to the 2nd respondent for fresh orders after issuing notice to both the appellants and the writ petitioners/5th respondent herein. This Court finds no ground to interfere with the impugned order passed by the learned Single Judge and the same is perfectly valid.

6. In the result, these writ appeals are dismissed. No costs consequently, connected Miscellaneous Petitions are closed.

(S.S.SUNDAR J.) (P.DHANABAL J.)

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Index : Yes

Internet : Yes/No

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