



W.P.(MD) No.1912 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.1912 of 2025
and
W.M.P(MD)No.1370 of 2025

Kaleel Rahman

... Petitioner

vs.

1.The Distric Revenue Officer,
Trichy District.

2.The Revenue Divisional Officer,
Trichy West Taluk,
Trichy District.

3.The Tahsildar,
Trichy West Taluk,
Trichy District.

4.T.R.Rajasekaran
5.M.Periakaruppan
6.J.Kathiresan

7.R.786 Tiruchirappalli Co-operative House Construction Society Limited,
Makkal Mandram, No.33, Colony Main Road,
Thillainagar, Tiruchirappalli-620018.
Represented through its Secretary
T.Ramar

... Respondents



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WEB COPY [R4 to R6 are impleaded vide order dated 28.01.2025
in W.M.P(MD)No.1790 of 2025]

[R7 is impleaded vide order dated 13.02.2025 in
W.M.P(MD)No.2447 of 2025]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order in Pa.Mu./4797/2024(A7) dated 27.12.2024 passed by the second respondent and quash the same as illegal.

For Petitioner : Mr.V.G.Vallarasu Chezhiyan

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1 to R3

Mr.T.Aswin Rajasimman for R4 to R6

Mr.P.Ganapathi Subramanian for R7

ORDER

Heard the learned counsel on either side.

2.The learned counsel for the petitioner would invite my attention to the impugned order dated 27.12.2024, which, according to the respondents, it is only a consequential order to the earlier order dated 03.10.2024.



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3. On going through the order dated 03.10.2024, I find that the Revenue Divisional Officer, Trichirappalli, had only directed the parties to approach the civil Court and there was no direction cancelling the patta that stood in the name of the petitioner with effect from 26.07.2024. However, in and by the impugned order dated 27.12.2024, the Revenue Divisional Officer has cancelled the patta issued to the petitioner. The grievance of the petitioner is that while being so, the petitioner was not put on notice or invited to give his objections before deciding the order came to be passed.

4. The learned counsel for the respondents 4 to 6 and 7 would submit that the petitioner is not even in physical possession of the subject lands and he rests his case based on an oral hiba. Further, the Government buildings have been constructed in the subject property and all these documents have been rightly factored in before the impugned order came to be passed.

5. The learned Additional Government Pleader would submit that the seventh respondent has formed an approved layout and sold plots to several persons and also a civil suit in O.S.No.18 of 2020, which is filed by the writ



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petitioner, seeking relief of mandatory injunction. The said suit is in a trial stage and is listed to be taken up on 10.03.2025.

6.It is the further case of the learned counsel for the seventh respondent as well that the several Government buildings have also come up in the subject lands and therefore, the impugned order does not deserve to be interfered with.

7.However, without going into the merits of the contentions advanced by the learned counsel on both sides, I find from the impugned order that the patta standing in the name of the writ petitioner has been cancelled without giving an opportunity to the petitioner. On this limited ground, the impugned order is liable to be set aside. However, taking into account the contentions of the respondents that the petitioner is not in physical possession and the property has already been plotted out, that too by way of an approved layout and sold to various third parties whose interests are also involved in the subject matter, I am inclined to allow this Writ Petition in the following manner:



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(i) This Writ Petition is allowed and the impugned order in Pa.Mu./4797/2024(A7) dated 27.12.2024, passed by the second respondent is set aside;

(ii) The matter is remitted to the second respondent/Revenue Divisional Officer to conduct a fresh enquiry on the application of the respondents 4 to 6, after affording an opportunity to the petitioner as well as the respondents 4 to 7 and pass a considered order on merits and in accordance with law;

(iii) It is made clear that the petitioner cannot take advantage of the impugned order being set aside and encumber the property and any such alienation by the parties shall be subject to the final decision of the second respondent;

(iv) The impugned order, cancelling the petitioner's patta is set aside, is only on the ground of depriving the petitioner an opportunity and no observations made in this order shall prejudice



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WEB COPY the Revenue Divisional Officer, who shall independently consider all the claims of the petitioner as well as the private respondents and pass an order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

07.03.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

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Trichy District.
- 3.The Tahsildar,
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P.B.BALAJI, J.

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