

W.P.(MD) No.3892 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3892 of 2025
and W.M.P(MD).Nos.2823 and 2824 of 2025

V.Indirani

... Petitioner

Vs.

1.The Principal Secretary/Commissioner
of Revenue Administration,
Chepauk, Chennai 600 005.

2.The District Collector,
Theni District, Theni.

3.The Sub Collector,
Periyakulam, Theni District.

4.The Tahsildar,
Theni Taluk, Theni District.

5.The Village Administrative Officer,
Poomalaikundu Village,
Theni Taluk, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the un-dated order passed by the third respondent-Sub Collector, Periyakulam in File No.13943/84.A10(TK.20137/84E) and quash the same and consequently, direct



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the respondents to restore the name of the petitioner in all the revenue and village records, for petitioner's punja land of 2 ac.12 cents (86.00 ares) in Survey No. 103/2 and covered in patta No.170 and situated in Poomalaiundu Village, Theni Taluk, Theni District within a time limit to be fixed by this Court.

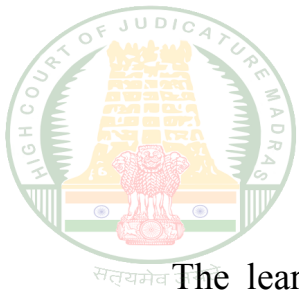
For Petitioner : Mr.T.Sakthi Kumaran

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

With consent of the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner, who had been issued patta and patta was also standing in his name, suddenly notices that the patta standing in his name was mutated in the name of the Government and there was a note attached to the A-Register that the subject land belonging to the petitioner was resumed by the Government in File No.13943/ 84.A10(TK.20137/84E). From the records produced in the typed set of papers, it is seen that the said exercise has been carried out without issuing any prior notice to the petitioner in whose name admittedly the revenue records stood.



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The learned counsel for the petitioner would also rely on the decision of the Division Bench of this Court in ***W.A..(MD).No.1064 of 2019, dated 24.10.2019***, in the case of the ***District Collector and others Vs., T.Ramanigopaal and others***, where the Division Bench dismissed the appeal preferred by the State on the ground that the order of the Writ Court would not suffer from any infirmity, since no opportunity had been given to the writ petitioners before the lands were classified as 'Pancha Tharisu' in the facts of those case. Similarly, he would also place reliance on a decision of this Court in ***WP(MD).No.3387 of 2015, dated 10.02.2020*** and ***W.P(MD).No.1505 of 2022, dated 03.06.2024***, where also this Court had cancelled the mutation in the revenue records only on the ground the same was without notice to the writ petitioner. The facts in the present case are no different. It is not the case of the respondents that the petitioner was not issued patta in respect of the subject lands. The patta issued in favour of the petitioner is also produced by way of typed set of papers. While so, before any resumption or mutation in the revenue records reflecting the subject land as 'Government land', the petitioner ought to have been put on prior notice and his objections should have been heard. There is clear violation of principles of natural justice and therefore the re-classification effected by the respondents has to necessarily be set aside.



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3. In view of the above, the impugned proceedings in File No. 13943/84.A10 (TK.20137/84E), undated, passed by the third respondent is hereby set aside. However, in the event of the respondents intending to re-classify the subject lands, it shall be open to them, subject to putting the petitioner on prior /advanced notice and give him an opportunity of personal hearing to put forth of all his contentions and thereafter, decide the matter, after due enquiry, on merits and in accordance with law.

4. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

14.02.2025

Rmk

NCC: Yes/No

Index : Yes / No



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P.B.BALAJI, J.

Rmk

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