



W.P.(MD)No.4862 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4862 of 2025

and

W.M.P.(MD)Nos.3525 and 3527 of 2025

N.Dinesh

... Petitioner

-VS-

1.The District Revenue Officer,
Pudukottai, Pudukottai District.

2.The Block Development Officer,
Karambakudi, Pudukkottai District.

3.Kamala

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order in Naa.Kaa.A6/2920/2024, passed by the second respondent in her proceedings, dated 21.01.2025 and quash the same as illegal.

For Petitioner : Mr.N.Kamesh

For R1 : Mr.J.K.Jayaselan
Government Advocate

For R2 : Mr.S.Shaji Bino
Special Government Pleader



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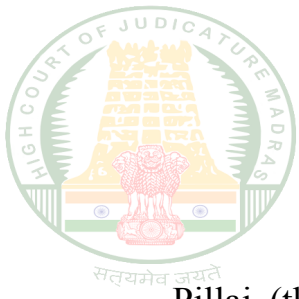
ORDER

This Writ Petition has been filed seeking to quash the impugned order passed by the second respondent in Naa.Kaa.A6/2920/2024, dated 21.01.2025.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the third respondent, notice to the third respondent is hereby dispensed with.

4. According to the petitioner, his father is the owner of the property comprised in Survey No.95/1A, measuring 0.09.5 Ares, situated at Vellalavidhuthi Village, Karambakudi Taluk, Pudukottai District. Originally, the said property belonged to late Veerappapillai, who had six sons. Veerappapillai executed a partition deed on 15.01.1972, bearing Document No. 387/1972, in favour of his grandsons regarding his properties. The petitioner's father, Natarajan Pillai and his brothers, namely Pandian, Nagarathinam and Muthaih, received the properties listed in the 'D' Schedule. The petitioner is the grandson of Kalyanam Pillai. During the UDR Scheme, the names of Kalyanam Pillai and Arunachalam

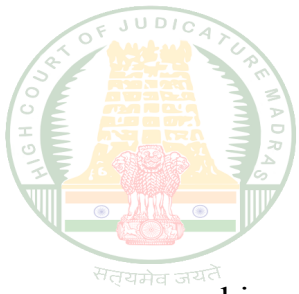


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Pillai (the brother of Kalyanam Pillai) were reflected in the subject property.

However, according to the partition deed dated 15.01.1972, the 'B' Schedule properties were allocated solely to Arunachalam Pillai.

5. According to the petitioner, he and his brother demolished the old tiled roof house and applied for the 'Kalaigiar Kanavu Illam' scheme. After verifying all the documents, the second respondent issued a work order to the petitioner and sanctioned part of the amount for the construction of the house. Before his death, Arunachalam Pillai executed a settlement deed in favour of his sons, Vedharathinam and Murugesan, regarding the 'B' Schedule properties. The legal heirs of Arunachalam Pillai colluded with Kalyanam Pillai and executed a sale deed in favour of the third respondent on 07.11.2024, transferring the Patta to the third respondent's name, suppressing the original partition deed dated 15.01.1972. Despite the same, neither Arunachalam Pillai nor Kalyanam Pillai had rights in the subject property. The third respondent's father has been threatening the second respondent by distributing pamphlets and pasting posters in public places against the second respondent. Hence, the second respondent, without conducting any enquiry, passed the impugned order on 21.01.2025 to halt the construction. The petitioner has also filed an appeal before the first respondent on 10.02.2025,



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seeking to cancel the Patta in the third respondent's name and transfer it to the petitioner's father. The said appeal is pending.

6. Heard both sides.

7. Considering the above said facts and circumstances of the case, there shall be a direction to the first respondent herein to consider the appeal filed by the petitioner on 10.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the third respondent herein, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No

25.02.2025



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VIVEK KUMAR SINGH, J.

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