



W.P.(MD)No.9879 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.9879 of 2025
and
W.M.P(MD)Nos.7364 & 7365 of 2025

P.Ramanathan

.... Petitioner

/Vs/

1. The District Collector
Ramanathapuram District, Ramanathapuram
 2. The Sub Collector
Collectorate Campus, Ramanathapuram
 3. The Tahsildhar
Ramanathapuram Taluk, Salai Bazar,
Ramanathapuram 623 501
- Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order passed by the 2nd respondent vide Moo.Moo.(A3)/ 7299/2020 dated 30.11.2020 quash the same in so far as petitioner concerned and consequently directing the respondents to restore the patta issued to the petitioner by the 3rd respondent by his proceedings H.S.T.A.No.94/1414 dated .10.2024.



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For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

I have heard Mr.C.T.Perumal, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

2. With the consent of the learned counsel appearing on either side, the main writ petition is taken up for final disposal, at the admission stage.

3. The petitioner challenges the order of the second respondent dated 30.11.2020 cancelling the petitioner's assignment.

4. The learned counsel for the petitioner would submit that way back in the year 2004, assignment was made in favour of the petitioner and without any notice or enquiry, the said assignment has been cancelled.



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5. Per contra, Mr.M.Lingadurai, learned Special Government Pleader would invite my attention to the order of the Division Bench of this Court in W.P(MD)No.307 of 2019, where, the very same petitioner came before this Court and the Division Bench of this Court by an order dated 13.02.2025 passed the following order:-

"3. When the matter was taken up for final hearing, the learned Government Advocate produced copy of the proceedings dated 30.11.2020 whereby the petitioner's assignment had already been cancelled. Further direction has been given for restoring the water body. It is for the petitioner to workout his right in the manner known to law."

6. The learned Special Government Pleader would, therefore, submit that it is not open to the petitioner to challenge the proceedings dated 30.11.2020 by way of the present writ petition, more so, when the subject property is a water body.

7. However, I am unable countenance the submission of the learned Special Government Pleader for the simple reason that the impugned proceedings dated 30.11.2020, which is now challenged in the



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present writ petition, on the face of it clearly, evidences the fact that the petitioner was not heard before the said order came to be passed. The order of the Division Bench also, in my considered opinion, will not come in the way of the petitioner challenging the said proceedings dated 30.11.2020 for the simple reason that the Division Bench has clearly observed that it shall be open to the petitioner to workout his rights in a manner known to law. On being furnished with a copy of the proceedings dated 30.11.2020 finding that the petitioner was not heard or put on notice before the said order came to be passed, the petitioner has now approached this Court challenging the impugned order. Therefore, I do not have any hesitation in setting aside the order impugned in the present writ petition and remitting the matter to the second respondent, with a further direction to the second respondent to hear the petitioner and pass final orders, within a period of eight weeks from the date of receipt of a copy of this order without seeking any further extension of time since the matter has already been considered by this court and the claim of the respondents is that the subject lands are water body.



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7. In view of the above, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
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P.B. BALAJI, J.



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Order made in
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