



W.P.(MD)No.19262 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.19262 of 2020

and

W.M.P.(MD).Nos.16079 & 16080 of 2020

- 1.Padma
- 2.R.Prakash,
- 3.Varghese Cappil Philip,
- 4.D.Natesan,
- 5.A.Satish Kumar,
6. Jagdish Balakrishnan,
- 7.Gopinath Ambadi,
- 8.Prema Sekharan
- 9.V.Godwin,
- 10.L.K.Narayanan,
- 11.S.Lakshmanan,
- 12.E.Selvi,
- 13.G.Poongodi,



W.P.(MD)No.19262 of 2020

WEB COPY 14.P.R.Srivathsan

15.J.Apphia,

16.M.Amutha rani,

17. R.Prakash,

18.S.Pavankumar,

19.M.Srinivasa Rao,

20.R.Vijayashankar,

21.Wing Commandar Nagaraj Cunchala,

22.Gomathi

23. Josephine Julia Mary Enok,

24.Avinash Subramaniam,

25.S.Venkatesh,

26.Chandrasekar Iyer,

27. K.S.Karuthurajan,

28. K.Rangasamy,

29.Gomathi Nalliah

... Petitioners

Vs.

1. The Revenue Divisional Officer,
Kodaikanal, Dindigul District.



W.P.(MD)No.19262 of 2020

WEB COPY

2. The Tahsildar,
Kodaikanal,
Dindigul District.

3. The President,
Vilpatti Panchayat, Kodaikanal,
Dindigul District.

4. M/s.Shriram Capital Trust P Ltd,
Through its Director,
Mookambika Complex,
Lady Desika Road,
Chennai -600 004.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records relating to the impugned proceedings in Pa.Mu.No.701-87/2019/A2 dated 20.09.2019 and in Pa.Mu.No.701-88/2019/A2 dated 20.09.2019 and in Pa.Mu.No. 701-89/2019/A2 dated 20.09.2019 of the first respondent and quash the same.

For Petitioners : Mr.VR.Shanmuganathan
for Mr.AL.Kannan

For Respondents : Mrs.K.Malathi
Additional Government Pleader for R1&2
: No appearance for R3 & 4



W.P.(MD)No.19262 of 2020

WEB COPY

ORDER

The writ petitioners have filed the present writ petition challenging the impugned proceedings on the file of the first respondent in Pa.Mu.No.701-87/2019/A2 dated 20.09.2019 and in Pa.Mu.No.701-88/2019/A2 dated 20.09.2019 and in Pa.Mu.No.701-89/2019/A2 dated 20.09.2019 .

2. I have heard VR.Shanmuganathan, the learned counsel appearing for the petitioners and Mrs.K.Malathi, learned Additional Government Pleader Advocate appearing for the respondents 1 and 2.

3. The learned counsel for the petitioners would take me through the title of the petitioners to the subject property, tracing title to one Irulayee, who was the original assignee of the lands. It is seen that subsequent to the acquisition of lands, the 4th respondent has formed a layout and necessary approval has also been obtained from the planning authorities and between 2005 and 2010 as many as 165 plots have been



W.P.(MD)No.19262 of 2020

WEB COPY

sold and thereafter the purchasers have also developed the plots by constructing houses. It is also the specific case of the petitioners that the common areas have been gifted to the Panchayat in terms of the conditions of layout approval. While matters stood there, out of the blue, in and by the impugned order Survey No. 785/1A, 785/1B and 785/1C have been cancelled without any notice to the petitioners, who are all retired Government Servants and also Senior Citizens, having invested their harden retirement savings to purchase the plots, on the strength of approval granted by DTP.

4. On going through the impugned order, I am not able to see that the respondents have given any notice to the interested parties. The subject referred to in the impugned orders, merely states that the pattas were required to be examined as to being forged pattas. Three orders that have been passed the Revenue Divisional Officer, on 20.09.2019 are impugned in this writ petition. Admittedly, even on that date, the layout had been approved and various innocent buyers had come into possession of developed plots, consisting of not only land but also building.



W.P.(MD)No.19262 of 2020

WEB COPY

5. It is seen from the documents filed in support of the typed set of papers that the buildings have been assessed to property tax in the individual names of various purchasers and they have been remitting the necessary taxes and charges to the Panchayat. Therefore, I am unable to sustain the impugned order. Firstly, it is without notice to the interested parties. Secondly, when the authorities had already granted approval for the entire lay out, they should have factored the subsequent alienations made by the fourth respondent. Moreover, the respondents have also taken benefit of the gift deed conveying the common areas and while matters stood there, the second respondent ought not to have cancelled the original assignment in respect of survey number 785 in favour of Irulayee, whose interest has subsequently been transferred under various registered documents in favour of one Sunil Kumar, Hemalata etc., which subsequently came to the hands of the said Sunil Kumar and thereafter the 4th respondent has taken up development of the said lands into plots, now sold and consisting of constructed buildings. The authorities have not even conducted a field inspection before passing the impugned orders, if which had been carried out, the ground reality would have



W.P.(MD)No.19262 of 2020

WEB COPY

surfaced and at least the authorities would have thought it fit to issue notice to all interested parties. Even otherwise, in the light of the approved layout and subsequent mutation in favour of various 3rd party buyers, the impugned orders cannot be justified on any account whatsoever.

6. Therefore the impugned orders dated 20.09.2019, passed by the first respondent are hereby set aside. This Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

20.03.2025

To

1. The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

2. The Tahsildar,
Kodaikanal,
Dindigul District.

3. The President,
Vilpatti Panchayat, Kodaikanal,
Dindigul District.



WEB COPY



W.P.(MD)No.19262 of 2020

P.B. BALAJI, J.

LS

Order made in
W.P.(MD)No.19262 of 2020

Dated:
20.03.2025