

W.P.(MD)No.22261 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :16.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.22261 of 2025

and

WMP (MD) No.17377 of 2025

N.Balasubramanian

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Dindigul - 624 004.

2. Sub Divisional Magistrate and
Revenue Divisional Officer-Kodaikanal,
Anandhagiri 4th Street,
Anandagiri, Kodaikanal 624 101.

3. The Tahsildar,
Kodaikanal Taluk, Kodaikanal-624 101.

4. Vilpatty Village Panchayat,
Represented by its President,
Vilpatty Village, Kodaikanal Taluk,
Dindigul District - 624 101.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus or any other order calling for the records relating to the impugned order dated 20.09.2019 Ref.No.Na.Ka.701-46/2019/A2 passed by the 2nd respondent and quash the same and consequently direct the respondent authorities to



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restore the patta No.190 dated 20.03.2001 granted in favour of the petitioner in respect of his property viz.all that land and building measuring an extent of 19 cents comprised in Old Survey No.785, T.S.No.8(Part) present T.S.No.8/1B, Vilpatty Village, Kodaikanal Taluk, Dindigul District and direct the respondent authorities not to interfere with the ownership and enjoyment of the petitioner in any manner whatsoever.

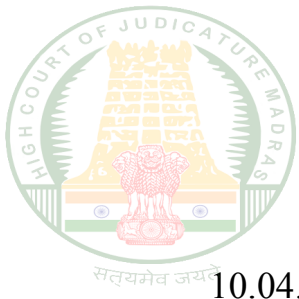
For Petitioners :Mr.S.Thanka Sivan

For Respondents :Mr.M.Muthumanikkam
Government Advocate for R1 to R3
Mr.J.K.Jayaseelan
Government Advocate for R4

ORDER

An order dated 20.09.2019 of the second respondent is challenged on the ground that the petitioner was not provided a reasonable opportunity to participate in proceedings relating to the cancellation of patta.

2. The petitioner states that one Saleth Antony purchased the entire extent in Survey No.785 from one Mariam Beevi under sale deed dated 18.08.1977. Thereafter, Saleth Antony conveyed the property to the petitioner's predecessor in title, V.Jayashankar under sale deed dated



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10.04.1990. The petitioner states that he purchased the property from Jaishankar under sale deed dated 07.09.1995 bearing Document No.1817 of 1995. He also states that he obtained planning permission from the Kodaikanal Panchayat in the year 2002 and completed construction of his house in April 2003. Thereafter, it is also stated that property tax has been paid from the year 2003.

3. Learned counsel for the petitioner submits that the impugned order was issued without notice to the petitioner. He relies upon earlier order dated 20.03.2025 of this Court in W.P.(MD) No.19262 of 2020. He points out that the said order also challenged the same order successfully. Therefore, he contends that the petitioner being similarly situated should be extended the benefit of a similar order.

4. Learned Government Advocate, who appears on behalf of respondents 1 to 3, invited my attention to the issuance of public notices before the impugned order was issued. He points out that such notices were published in the Office of the Tahsildar, the Kodaikanal Village Administrative Officer and the Vilpatti Village Administrative Officer.



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5. On examining the impugned order. It is clear that apart from the affixture of notices, no notice was sent to and received by the petitioner. The petitioner has placed on record the sale deed under which the petitioner purchased the property and the antecedent sale deeds in the names of the petitioner's predecessors in interest. In these circumstances, the petitioner was entitled to be heard before an order adverse to the petitioner was issued. Consequently, the impugned order cannot be sustained and is hereby set aside.

6. As a corollary, the second respondent is entitled to issue fresh notice to the petitioner and thereafter issue a reasoned order after providing a reasonable opportunity to the petitioner. This entire exercise shall be completed within four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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NCC :No
Internet :Yes
Index :No
PKN



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SENTHILKUMAR RAMAMOORTHY, J.

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