



WEB COPY

WP No. 6671 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 6671 of 2025

AND

WMP NO. 7310 OF 2025

Palaniappan

..Petitioner(s)

Vs

1. The District Collector
Office Of District Collectorate,
Namakkal District
2. The Revenue Divisional Officer
Tiruchengode Taluk,
Namakkal District
3. The Tahsildar
Tiruchengode Taluk,
Namakkal District

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records leading to the impugned notice of attachment of immovable property in No. ROC No. 2444/ 2024/A2 dated 13.11.2024 issued by the 3rd Respondent and quash the same and consequently direct the second respondent herein to furnish the copy of the order dated 30.11.2007 in order to enable the petitioner to prefer an appeal under the provisions of the Tamil nadu minor Minerals concession Rules 1959.



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For Petitioner(s): MR.C.Jagadish

For Respondent(s): Mr.Stalin Abimanyu, For R1 To R3.

ORDER

This writ petition has been filed for the following relief:

“To issue a writ of certiorarified mandamus to call for the records leading to the impugned notice of attachment of immovable property in No. ROC No. 2444/ 2024/A2 dated 13.11.2024 issued by the 3rd Respondent and quash the same and consequently direct the second respondent herein to furnish the copy of the order dated 30.11.2007 in order to enable the petitioner to prefer an appeal under the provisions of the Tamil Nadu minor Minerals concession Rules 1959.”

2. The petitioner would submit that he was the original owner of the land in Survey No.379, present Survey Number 379/1A situated in Akkalampatti Village, Tiruchengode Taluk. In the said property, there is a well in which besides himself one Sengodan, S/o. Chinna Gounder and Nallaya Gounder, S/o of Marappa Gounder also had the right to irrigate his



lands. In the year 2011, the petitioner had sold an extent of land 2.42 acres in S.No.379 to one Saravana Kumar and Ganesan under a registered Sale Deed dated 16.08.2011. With respect to the remaining extent of land the petitioner had executed a settlement deed in favour of his daughter. The total extent of the lands originally owned by the petitioner measured 11.62 acres.

3. Although, Sengodan and others along with the petitioner had the right to irrigate from the common well frequent disputes arose among themselves which has resulted in enmity. In order to put an end to this squabble, the petitioner undertook to dig an independent well as he owned a larger extent of land. This was also a reason for enmity amongst his neighbours. In the year 2005-2006, the petitioner had dug a well with the help of water diviners. However, the well did not contain enough water to irrigate the agricultural lands. It appears that certain persons inimically disposed against the petitioner had given a complaint to the revenue authorities stating that the petitioner was indulging in illegal mining of rough stones.



4. The petitioner would submit that the said allegation was totally false inasmuch as he was an illiterate agriculturalist and even while in school had been helping his father in the agricultural activities and therefore, he was not able to attend the school regularly. Since the water from that well was insufficient, the petitioner went on to dig another well and on the basis of this complaint, he was called for an enquiry. However, on the date of the enquiry, the officials from the second respondent simply took the petitioner's signatures in blank papers and thereafter asked him to leave. The petitioner thereafter did not receive any communication from the respondents.

5. The petitioner, all of a sudden, had received a notice from the Taluk Office, Tiruchengode calling upon him to pay a sum of Rs.12,95,320/- together with interest @ 24% per annum. The petitioner did not know the contents of the notice and therefore approached an Advocate. The petitioner was unable to properly instruct his lawyer as he was totally in the dark about the proceedings and did not have copies of the proceedings. He was advised by his lawyer to obtain the information under the RTI Act.



6. While so, on 13.11.2024 the petitioner received yet another notice restraining the petitioner from in any manner transferring or charging the property situated in S.No.379/1A in Akkalampatti Village. The notice in question refers to a proceedings dated 30.11.2007 which was the genesis for the said notice. However, it is the contention of the petitioner that he had not received the said proceedings dated 30.11.2007. Therefore, the petitioner would submit that the order of attachment passed without notice to him is *per se* erroneous and liable to set aside.

7. Heard the learned counsels on either side and perused the materials available on record.

8. The primary argument advanced by the learned counsel for the petitioner is that the liabilities of the year 2007 are sought to be executed in the year 2024 that too after the petitioner had sold a property and settled the remaining. From a perusal of the order impugned in the writ petition, it is seen that the same was issued pursuant to the order dated 30.11.2007. The petitioner's contention is that this order was not received by him whereas the respondents would submit that the said order had been furnished to the petitioner. Therefore, this Court had directed the



Additional Government Pleader to get instructions as to whether the order dated 30.11.2007 had been served on the petitioner. The respondents have produced the original documents as well as the typed set of papers which clearly show that the order dated 30.11.2007 had been served on the petitioner on 30.01.2008. Therefore, it is clear that the petitioner's argument that he had not received the order is totally false. The petitioner ought to have challenged the said order by filing an appeal. On the contrary, the petitioner, after receipt of this order, had sold a property and thereafter, settled the remaining. The petitioner has absolutely no right over the property after the sale and settlement. The present impugned order is only the execution of the proceedings dated 30.11.2007. The petitioner, without challenging the said order dated 30.11.2007, cannot challenge the impugned order more particularly, when the grounds of challenge is that he had not been served with the original order dated 30.11.2007 which, as stated earlier, is totally false statement. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SRN



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