



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

**WP No. 36376 of 2024
and W.M.P.Nos.39245 & 39248 of 2024**

1. Saroja
2. C.Shankar
3. C.Sarathkumar
4. G.Chinnasamy

..Petitioner(s)

Vs

1. The District Collector,
Dharmapuri District, Dharmapuri-5.
2. The District Revenue Officer,
Dharmapuri District, Dharmapuri-5.
3. The Revenue Divisional Officer,
Dharmapuri Revenue Division, Dharmapuri,
Dharmapuri District.
4. The Tahsildhar,
Dharmapuri Taluk, Dharmapuri,
Dharmapuri District.
5. The Commissioner,
Dharmapuri Municipality,
Dharmapuri-636 701, Dharmapuri District.
6. The Special Tashildhar,
Town Land Survey and Settlement Scheme,
Dharmapuri Town, Dharmapuri-636 701,
Dharmapuri District.
7. S.Pandian



(R7-implemented as per order dated 23.01.2025 in
WMP.2401/2025 in WP.36376/2024 By PTAJ)

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the impugned order dated 24.09.2024 in Na.Ka.23478/2024/Tha3 passed by the 2nd respondent and quash the same, consequently direct the respondents to rectify the mistakes and issue separate patta in the name of petitioners 1 to 3 and make correct entries in their revenue records including Town Survey Land Register of their property in T.S.No.331/1, situated at V.G.Palayam Village, Dharmapuri Town, Dharmapuri Taluk, Dharmapuri District based on the settlement deed dated 31.08.2020 in Doc. Nos.2185, 2186 and 2187 of 2020, respectively.

For Petitioner(s) : Mr.A.L.Rajah,
Senior Counsel for Mr.M.R.Jothimanian

For Respondent(s) : Mr.C.Gowthamaraj, GA for R1 to 6
Mr.T.C.Gopalakrishnan for R7

ORDER

This writ petition is filed to call for the records of the impugned order dated 24.09.2024 in Na.Ka.23478/2024/Tha3 passed by the 2nd respondent and quash the same, consequently direct the respondents to rectify the mistakes and issue separate patta in the name of petitioners 1 to 3 and make correct entries in their revenue records including Town Survey Land Register of their property in T.S.No.331/1, situated at V.G.Palayam Village, Dharmapuri Town, Dharmapuri Taluk, Dharmapuri District based on the settlement deed dated 31.08.2020 in Doc. Nos.2185, 2186 and 2187 of 2020, respectively.



2. Learned counsel for the petitioners would submit that the residential house in T.S.No.331/1 (old S.No.246), Ward A, Block 10, to an extent of 1262 sq.ft., situated at V.G.Palayam Village, Dharmapuri Town, Dharmapuri Taluk and District belongs to fourth petitioner. Subsequently, he executed three settlement deeds in favour of petitioners 1 to 3. Pursuant to which, the petitioners 1 to 3 made an application before the fourth respondent for issuance of separate patta on their favour, based on the settlement deeds. However, the same was not issued citing the reason that the nature of their property has been classified as Sarkar Poramboke. In order to rectify the said mistakes and to issue separate patta on their names, they have filed writ petition in W.P.No.21128 of 2024 and this Court vide its order dated 26.07.2024, directed the second respondent to consider the same. This being so, taking advantage of the situation, the seventh respondent has filed another writ petition in W.P.No.23372 of 2024 to remove the encroachments, as if the petitioners have encroached the Government property and demanded a sum of Rs.20,00,000/-.

3. Learned counsel for the petitioners would further submit that, on 10.09.2024, the second respondent issued a summon and called upon the petitioners to appear for an enquiry. However, there was no enquiry conducted by the second respondent and not even received the documents from the petitioners. Under these circumstances, the second respondent vide order dated 24.09.2024, rejected the petitioners' claim. Challenging the said order dated



24.09.2024, the petitioners have come forward with the present writ petition.

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4. Learned Government Advocate appearing for the respondents would submit that the patta, which was produced by the petitioners is a forged one. Even the Tahsildar, who issued the patta was not at all in occupation of the office. Accordingly, he prays for appropriate orders.

5. Learned counsel appearing for the seventh respondent would submit that, against the petitioners' encroachment of public land, the seventh respondent has filed a Public Interest Litigation (PIL). Further he would submit that, as against the impugned order, the petitioners can very well file an appeal.

6. Heard the learned counsel on either side and perused the materials available on record.

7. In the present case, the only grievance of the petitioners is that the impugned order was passed without providing an opportunity of personal hearing. The petitioners were issued with summons on 10.09.2024 by the second respondent to appear for enquiry. When the petitioners appeared, no enquiry was conducted and the second respondent has simply noted down their names and not even accepted the documents filed by them. Further, the second respondent has not furnished the documents referred in the aforesaid impugned



order. The issue in this writ petition is whether the bogus patta was produced before the authority and the particular officer, who issued that patta was in the occupation of the office are not. These aspects can be decided only after conducting proper enquiry and dealing with the documents, which the petitioners are intended to file before the concerned authority. Such being the case, this Court arrived at a conclusion that the impugned order was passed without providing an opportunity to the petitioners, which is a violation of principles of natural justice.

8. In view of the above, the impugned order passed by the second respondent vide order dated 24.09.2024 is liable to be set aside. Accordingly, this Court issues the following directions:

(i) The impugned order dated 24.09.2024 is set aside and the matter is remitted back to the second respondent for fresh consideration;

(ii) While considering the matter afresh, the second respondent is directed to conduct a proper enquiry by affording an opportunity of personal hearing, after receiving the documents to be filed by the petitioners;

(iii) The second respondent is directed to furnish all the documents referred in the aforesaid impugned order to the petitioners and thereafter deal with the documents filed by the petitioner;

(iv) The aforesaid exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



With the aforesaid observation and directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

26-03-2026

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

VM

To:

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KRISHNAN RAMASAMY, J.

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