



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

WA.(MD)No.422 of 2026
and
CMP.(MD)No.3836 of 2026

P.Muthusamy

... Appellant

Vs.

1.Kavitha

2.The Sub Collector,
Palani,
Dindigul District.

... Respondents

PRAYER:- Writ Appeal filed under Clause 15 of the Letters Patent Act,
praying to set aside the order passed in WP.(MD)No.920 of 2018 dated
01.10.2024.

For Appellant : Mr.N.Manoharan,
for M/S.M.P.Senthil

For R1 : Mr.S.Karthick



WEB COPY

JUDGMENT

(Judgment of the Court was made by **M.JOTHIRAMAN, J.**)

Under assail is the order passed in WP.(MD)No.920 of 2018 dated 01.10.2024.

2.The appellant herein is not a party in the writ proceedings/third party in this writ appeal. Originally, the first respondent/Kavitha has filed a writ petition in WP.(MD)No.920 of 2018 seeking to quash the proceedings dated 10.03.2017 passed by the Sub Collector, Palani.

3.It is the case of the writ petitioner that one P.R.Vengatachala Gounder owned a property to the extent of 17.40 acre punja land situated at S.No.250/1A, Alangiyam Village, Dharapuram Taluk. The aforesaid land had been acquired by the Government of Tamil Nadu under Section 18(1) of Tamilnadu Land Reforms (Fixation of Ceiling on Land) Act 58/61 and notification was effected on 11.12.1985. Thereafter, the said land had been assigned to the father of the writ petitioner, namely Perumal, who had made requested payment and on 17.04.1995, the writ



petitioner's father and others had obtained “F” patta in their favour. The writ petitioner and his family members were effectively doing the agricultural work in the aforesaid land. Due to the water scarcity, they could not continue to do the agricultural work in their respective land and they were involved in the work of cutting the seemai karuvelam trees in their land and sell it for their livelihood. Without issuing any notice to the writ petitioner and other interested persons, the Sub Collector, Palani passed the impugned order dated 10.03.2017 by cancelling the above said “F” patta.

4.The sole respondent in the writ petition has filed a counter affidavit stating that wherein it has been stated that as per condition No.8 of the “F” deed agreement, the land would vest in the name of the assignee after expiry of a period of 20 years from the date of assignment. The land assigned to the above assignees were demarked and possession of the land handed over to them on 06.11.1996 as per the condition 8 of “F” deed agreement that the land will vest absolutely in the name of the assignee after expiry of a period of 20 years from the date of assignment. Hence,the mutation of patta alone withheld for the expiry of the above period.



WEB COPY

5.The learned Writ Court held that a perusal of deed of assignment dated 17.04.1995 and its condition does not anywhere reflect that the non-cultivation would result in the cancellation of patta. Further, held that Clause 8 would state that “on the payment of the value of the land, the same would vest absolutely on the assignee”. Since there is no violation of the conditions of assignment and the value having been paid, the impugned order cannot be sustained and accordingly the learned Writ Court allowed the writ petition with a direction to restore the patta back in the name of the writ petitioner. Aggrieved over the same, the third party has preferred the present writ appeal, after obtaining leave before this Court.

6.The learned counsel appearing for the appellant would submit that the order of the learned Writ Court has to be set aside on the ground that the writ petitioner knowing well that the appellant is also claiming right on the property on the basis of his purchase, did not choose to implead the appellant as a party and has obtained an order behind the back of the appellant. The writ petitioner wantonly failed to implead the appellant as a party in the writ petition, even though the writ



WEB COPY

petitioner very well aware that the appellant as well as his predecessors in title are in possession and enjoyment of the subject matter of the property. The revenue records and adangal extract shows that the appellant as well as his predecessors in title in absolute enjoyment and cultivating in the property. The learned Writ Court failed to consider the issues relating to whether the assignment deeds allotted to the first respondent and others were acted upon as per the procedures contemplated under Rule 9 of Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965. The appellant being a bonafide purchaser of the subject matter of the properties ought to have impleaded in the writ proceedings to put forth his submissions in this regard. As such, the order passed by the Writ Court is liable to be set aside.

7.The learned counsel appearing for the first respondent would submit that there has been no violation of the conditions of the assignment. Since the first respondent and his family members were carrying agricultural work in the subject matter of the land. However, due to water scarcity, they were unable to continue the agricultural work and thereafter, they started growing seemaikaruvilai trees and were cutting it and eking out their livelihood. All of a sudden, the order impugned came



WEB COPY

to be passed. Upon considering the conditions enumerated in the assignment patta dated 17.04.1995, the learned Writ Court rightly set aside the cancellation of patta order passed by the second respondent in his proceedings dated 10.03.2017 and directed the second respondent to restore the patta in the name of the first respondent.

8. We have considered the submissions made on either side and perused the records carefully.

9. According to the writ petitioner, originally the punja land to an extent of 17.40 acres in S.No.250/1A, Alangiyam Village, Dharapuram Taluk, Dindigul District belongs to one P.R. Vengatachala Gounder. The above said lands were acquired by the Government of Tamil Nadu under Section 18 (1) of the Tamil Nadu Reforms Act, 58/1961 and consequential notification was issued by the Government on 11.12.1985. Subsequently, the lands were assigned to the father of the writ petitioner, namely, Perumal and others and they were obtained patta on 17.04.1995. The writ petitioner and her family members were carrying on agricultural work in the above said lands. However, due to scarcity of water, they were unable to continue the agricultural work.



WEB COPY

Thereafter, they were started growing seemaikaaruvelam trees and cutting it and eking out their livelihood.

10.The counter affidavit filed by the second respondent reveals that initially the properties were assigned in favour of the writ petitioner's father and 8 others. Subsequently, in the year 2013, they received representation from one Sangilithurai that patta holders name has not been recorded in the revenue records and the surplus land were under the possession and enjoyment of the land owners, from whom the land was acquired. On verification it came to to the light that assignees have not entered upon the land assigned to them and failed to take possession of the assigned lands and the same continues to be termed as “Surplus Land”. It is also contented that the assignees have not cultivated their land and violated the conditions of the assignment order.

11.According to the appellant, he is a bonafide purchaser and he is in possession and enjoyment of the property. As such the appellant is the proper and necessary party in the writ proceedings. However, the writ petitioner without impleading the appellant, has filed the writ petition behind the back of the appellant and obtained the order. Further, according to the appellant, the property which is the subject matter of the



WEB COPY

writ petition was allotted to one P.R.Vengatachala Gounder under partition deed dated 05.12.1959. Accordingly, the said P.R.Vengatachala Gounder exclusive possession and enjoyment of the said properties till his death. After his demise, his wife, namely, Kuppulakshmi and their daughter, namely, Dhamayanthi, being legal heirs, appointed one Chandrasekar as their power agent under registered deed of power dated 22.06.2005. Subsequently, through their power agent, sold the properties to one T.Kavitha under sale deed dated 27.10.2005. Accordingly, the said T.Kavitha was in possession and enjoyment of the properties till the date of execution of sale deed dated 25.11.2011 in favour of the appellant. The appellant took possession of the properties on 25.11.2011 itself and effected mutation of revenue records in his name.

12.It is seen from the records that the Sub Collector, Palani has issued enquiry notice dated 14.02.2017 to appellant, his vendor T.Kavitha, Late Logambal and others directing them to appear before the Sub Collector, Palani, on 27.02.2017 alleging that the properties measuring 17.40 acres comprised in S.No.250/1A, Kottathurai village owned by Late P.R.Venkatachala Gounder were declared as surplus land under Section 18(1) of the Tamil Nadu Land Reforms (Fixation of



WEB COPY

Ceiling on Land) Act 58/1961. In the enquiry notice dated 14.02.2017, it is further stated that the said surplus land had been assigned to one Kavitha as per 'F' patta dated 17.04.1995. In the said enquiry notice dated 14.02.2017, the properties which were allegedly declared as surplus land on 11.12.1985, no sub-division was effected and no such change in the revenue classification were carried out in the village records. Aggrieved over the enquiry notice dated 14.02.2017, the appellant filed revision dated 17.03.2017 in R.P.No.4 of 2017 before the Land Commissioner, Chepauk, Chennai, who has issued notice of enquiry dated 22.03.2017 for the appearance of the appellant on 05.04.2017. However, the second respondent/Sub Collector, Palani issued enquiry notice and has passed the final order, which is the impugned order dated 10.03.2017. In such circumstances, the appellant requested the Land Commissioner to permit him to withdraw the revision petition, on 18.04.2017, in view of the fact that the second respondent has already passed the final order dated 10.03.2017. However, the Land Commissioner erroneously dismissed the revision petition, on 18.04.2017.



WEB COPY

13.It is further seen from the records that pending revision petition in R.P.No.4 of 2017 before the second respondent, the appellant entered appearance through his erstwhile counsel before the second respondent on 27.02.2017 and sought time to file vakalat and his explanation. Accordingly, the second respondent has adjourned the enquiry to 20.03.2017, but without conducting enquiry in compliance with the principles of natural justice, the second respondent has passed an order dated 10.03.2017 whereby and whereunder he has not only cancelled the assignment 'F' patta dated 17.04.1995 issued nine persons, but also erroneously cancelled the sale deeds dated 25.11.2011 and 27.10.2005 stood in his name and in the name of the vendor T.Kavitha. Aggrieved over the order passed in R.P.No.4 of 2017 dated 18.04.2017 by the Land Commissioner, the appellant had chosen to file a writ petition in WP.(MD)No.27297 of 2017 to quash the order passed in R.P.No.4 of 2017 dated 18.04.2017 and consequently, direct the District Revenue Officer, Dindigul to decide the appeal preferred by the appellant dated 07.04.2017, filed against the order dated 10.03.2017 passed by the second respondent (order impugned in the writ petition), after giving adequate opportunity of hearing to him. Subsequently, the appellant



WEB COPY

withdrew the above said writ petition and had chosen to file a suit in O.S.No.175 of 2017 on the file of the Principal District Court, Dindigul seeking for the relief of declaration of title and consequential relief of permanent injunction restraining the revenue officials as well as the writ petitioner from interfering with the appellant's peaceful possession and enjoyment over the suit scheduled properties. The same was dismissed for default, on 22.10.2021. The appellant has also preferred revision before the Land Commissioner, Chepauk, Chennai in R.P.No.1 of 2025 as against the order passed by the second respondent dated 10.03.2017. At the time of hearing the revision, the writ petitioner has produced the order of the learned Writ Court dated 01.10.2024 passed in WP.(MD)No. 920 of 2018. The Subject matter of the properties were not subdivided as per 'F' patta and it remains in original position and the same has also been observed in the order passed by the second respondent.

14.In such circumstances, the learned Writ Court ought to have considered that no opportunity was granted to the appellant to substantiate the right over the properties and as such, the order dated 10.03.2017 is in clear violation of principle of natural justice. Since the appellant was not party in the writ proceedings and only at the time of



WEB COPY

hearing of R.P.No.1 of 2025, the writ petitioner produced the order passed by the Writ Court dated 01.10.2024, thereafter only, the appellant came to know about the writ petition filed by the writ petitioner and order passed therein, without impleading him as party.

15.We are of the view that no opportunity was granted to the appellant to substantiate his right over the properties and as such the impugned order passed by the second respondent dated 10.03.2017 is clear violation of the principles of natural justice. The appellant has initiated proceedings in R.P.No.4 of 2017 and the writ petitioner very well about those proceedings. In such circumstances, it is not known on what basis the writ petitioner has chosen to file the writ petitioner, without even impleading the appellant as party to the proceedings. On this ground alone order of the learned Writ Court is liable to be set aside and consequently, the appeal has to be allowed.

16.In the result, this writ appeal is allowed and the order passed in WP.(MD)No.920 of 2018 dated 01.10.2024 is set aside and the matter is remanded back to the second respondent/Sub Collector, Palani to conduct fresh enquiry by providing personal hearing to all the parties



WEB COPY

concerned. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
24.03.2026

Index : Yes/No
Internet : Yes
GNS

To

The Sub Collector,
Palani,
Dindigul District.



WEB COPY



**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

GNS

WA.(MD)No.422 of 2026

24.03.2026