

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.18588 of 2015 and M.P.No.1 of 2015

K.Mohammed Ali Jinnah
Proprietor Royal Promoters,
No.64/22 Mahalakshmi Nagar,
1st Main Road, Adambakkam, Chennai-88. ... PETITIONER

Vs.

- 1 The District Collector
Kancheepuram Collectorate Kancheepuram.
- 2 The District Revenue Officer
Kancheepuram District Collectorate Office
Kancheepuram.
- 3 The Tahsildar
Sholinganallur Taluk, Old Mahabalipuram Road,
Chennai.
- 4 V.Narmatha
W/o. Ganesan D3 SNR Flats 74 Alandur
Road Saidapet Chennai-15.
- 5 K.Vijayalakshmi
No.2-A Navratna Apartments River View
Residency Layout 2nd Street Karapakkam
(OMR) Chennai-91. ... RESPONDENTS

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, To call for records pertaining to the Letter No. N.K.9481/2014/A1 dated 13.04.2015 issued by the third respondent to the second respondent recommending the cancellation of patta No.13023 for Survey No.127/31A1B issued to the petitioner and to keep the status prior to the UDR period and quash the same consequently direct the second respondent to afford an opportunity of being heard in pursuant to the representation of the petitioner dated 27.04.2015 before passing any order pertaining to the cancellation of patta No.13023 for Survey No. 127/31A1B issued to the petitioner.

For Petitioner	:	Mr.R.Amizhdhu
For Respondents-1 to 3&5	:	Mr.R.A.S.Senthilvel,A.G.P.
For Respondent No.4	:	Mr.J.Ravindran

O R D E R

Challenging the proceedings of the respondent No.3 by which recommendation has been made to cancel the patta stands in the name of the petitioner in favour of the respondent No.4 and 5, the present writ petition has been filed.

2 The counsel for the petitioner submitted that petitioner has not been heard and the counsel for the respondent No.4 and 5 submitted that a perusal of the order would show that petitioner has been heard.

3 This Court is not willing to go into the same. Prima facie it appears that the respondent No.3 has considered the documents produced by the petitioner. The question as to whether patta stands in favour of the petitioner has to be cancelled or not is to be decided by the respondent No.3. The impugned order is mere report. Thus, it is only evidence to be considered by the respondent No.2. Furthermore, patta is not a document of title. Further, Civil suit in O.S.No.452 of 2015 is also pending on the file of the District Munsif, Alandur. The order that would be passed by the respondent No.2 based on the recommendation made by the respondent No.3 cannot have binding effect on civil Court in other words, the civil Court will have to decide the suit based on the materials placed before it and not based on the proceedings of the respondent No.2 or 3 as the case may be. Thus, enquiry before the respondent No.3 is still pending.

4 Thus, the writ petition stands disposed of by directing the respondent No.2 to conclude the enquiry which is initiated as seen from the record is on 24.6.2015, within a period of eight weeks from the date of receipt of a copy of this order after affording sufficient opportunities to the parties concerned including the respondent No.4 and 5.

5 The learned District Munsif, Alandur is directed to dispose of the suit in O.S.No.452 of 2015 without being influenced by the decision to be taken by the respondent No.2 either in favour of the petitioner or in favour of the respondent No.4 and 5 as the case may be, within a period of nine months from the date of receipt of copy of this order.

6 Accordingly, the writ petition stands disposed of. No costs. Consequently, connected M.P.No.1 of 2015 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The District Collector
Kancheepuram Collectorate Kancheepuram.
 - 2 The District Revenue Officer
Kancheepuram District Collectorate Office
Kancheepuram.
 - 3 The Tahsildar
Sholinganallur Taluk, Old Mahabalipuram Road,
Chennai.
 - 4 The District Munsif, Alandur
- +1 cc to Mr.R.Amizhdhu Advocate sr.43148
+1 cc to Mr.J.Ravindran Advocate sr.42884
+1 cc to Government Pleader sr.43279

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