

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3386/2015 & MP.No.1/2015

A.Syed Ahmed

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Petitioner

Versus

1.The Assistant Engineer
TNEB, Anna Nagar,
Kallakurichi, Villupuram District.

2.The Tahsildar
Taluk Office, Kallakurichi.

3.The Commissioner
kallakurichi Municipality
Anna Nagar, Kallakurichi.

4.The Registrar Joint-II,
Registrar Office, Kallakurichi.

5.A.Mujibur Rehman

6.S.Nissar

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents 1 to 4 from any manner mutating revenue records, power connection etc., standing in the name of the petitioner without first considering the objection made by the petitioner dated 19.01.2015.

For Petitioner : Mr.N.A.Nissar Ahmed

For RR 1 to 4 : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.N.A.Nissar Ahmed, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 4 and with their consent, the writ petition is disposed of at the admission stage itself. Since the writ petition is disposed of without notice to the respondents 5 and 6, the merits of the allegations made by the petitioner as against them are not gone into and it is left open to the authorities concerned to look into the same.

2.The petitioner seeks for issuance of a writ of mandamus to forbear the respondents 1 to 4 from any manner mutating revenue records, power connection etc., standing in the name of the petitioner without first considering the objection made by the petitioner dated 19.01.2015.

3.The apprehension of the petitioner is that without notice to the petitioner, the 2nd respondent/Tahsildar will mutate the revenue records at the instance of the petitioner's vendor. In my view, the prayer sought for by the petitioner is premature and in fact, misconceived. If patta stands in the name of the petitioner and if there is some objection to cancel the patta, then the authority has to issue notice to the person concerned in whose name the patta stands and thereafter, after hearing all the parties, pass an order. This is the prescribed procedure under the provisions of the Patta Passbook Act. If the procedure is not followed, it will not only offend the provisions of the statute, but also in violation of principles of natural justice. Therefore, there is no necessity for issuing direction as sought for by the petitioner since the 2nd respondent is bound by the statutory provisions.

4.Accordingly, the writ petition fails and the same is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Assistant Engineer
TNEB, Anna Nagar,
Kallakurichi, Villupuram District.

2.The Tahsildar
Taluk Office, Kallakurichi.

3.The Commissioner
kallakurichi Municipality
Anna Nagar, Kallakurichi.

4.The Registrar Joint-II,
Registrar Office, Kallakurichi.

1 cc to Mr. N.A.Nissar Ahmed,Advocate, SR.No.7547

1 cc to Government Pleader,Sr.No.7547

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scd(co)
pmk.19.2.2015



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