

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 1641 of 2011
and
M.P. Nos. 1 & 2 of 2011

Loganathan

..Petitioner

Vs.

1.The Revenue Divisional Officer
Ranipet
Vellore District.

2.The Zonal Deputy Tahsildar
Arakkonam Taluk
Arakkonam
Vellore District.

3.The Sub Inspector of Surveyor
Arakkonam Town
Arakkonam Municipality
Arokkonam.

4.Sumathi

5.Revathi

6.Gunasekaran

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondents 2 and 3 and quash the entry dated 12.01.11 made in the Survey Field Register pertaining to T.S. No.54/1A and 54/1C, Old S.No.12/1 Ward C, Block 7, Arakkonam Town and to direct the respondents 2 and 3 to delete the names of the respondents 4 to 6 from the said record and pass further orders.

For Petitioner : Mr. G. Jeremiah

For Respondents : Mr. S. Navaneethan,
Addl. Govt. Pleader for R1 to R3
Mr. K. Surendar for R4 & 5
Mr.N. Jayabalan for R6

O R D E R

Challenge in the writ petition is to quash the entry dated 12.01.11 made in the Survey Field Register pertaining to T.S. No.54/ 1A and 54/1C, Old S.No.12/1 Ward C, Block 7, Arakkonam Town and to direct the 2nd and 3rd respondents, to delete the names of the respondents 4 to 6 from the said record.

2. Learned counsel for the petitioner would submit that the petitioner and his younger brother are the joint owners of the property to an extent of 0.32.0 hectare situated in Old S.No.12/1, T.S. No. 54/1A and 54/1C, Galivari Kandigai Village, Arakkonam Town, which is an ancestral property. After the life time of the petitioner's father, the petitioner and his own brother were in possession and enjoyment of the same. Patta was transferred to their name in the year 2002 itself. Subsequently, the petitioner came to know that the respondents 4 to 6 has given a representation to the 1st respondent, claiming to include their names in the said patta. Immediately, the petitioner submitted an objection dated 08.08.2008 to the respondents, objecting to the proposed action to include the name of third parties in the patta standing in their name. The petitioner also stated in his representation that before proceeding with the matter, an enquiry needs to be conducted. The said objection is stated to have been received by the respondents on 11.08.2008. However, without conducting any enquiry, the respondents made entry in the revenue records, by including the respondents 4 to 6 along with the petitioner and his brother in the patta. Challenging the aforesaid action of the second respondent, the petitioner has filed this Writ Petition on the ground that the second respondent has violated the principles of natural justice and therefore, the entry made by the second respondent is liable to be quashed.

3. Learned counsel appearing for the 6th respondent submitted that the respondents 4 to 6 made representation to the 2nd respondent stating that they are the legal heirs of Bommanna Naidu and hence are eligible to be included in the patta for the subject property and based on the documents submitted by them, their names have been included in the patta.

4. Learned Additional Government Pleader appearing for respondents 1 and 2 submitted that on the basis of the representation made by the respondents 4 to 6 and the objection of the petitioner, the authorities have included the names of the respondents 4 to 6 in the patta as well as in the revenue records. Therefore, the contention of the petitioner that no opportunity has been granted to the petitioner does not sustain and so the writ petition is liable to be dismissed.

5. Heard learned counsel for the parties and the material placed on record.

6. It is the submission of the learned counsel for the respondents, Revenue as well as private parties, that they have submitted representation to the 2nd respondent, to include the names of the respondents 4 to 6 in the patta of the subject property. Immediately on coming to know the said facts, the petitioner has made objection to the inclusion of the private respondents 4 to 6 in the property, stating that the petitioner and his brother are already in possession of the subject property and that their names are available in the revenue records and the patta also stands in their name. Subsequent to the objections and the representations, a joint patta has been granted by the second respondent including the names of the respondents 4 to 6 in the subject property. However, as per facts and records, copy of the representations made by the respondents 4 to 6 were not furnished to the petitioner. If the said copy has been furnished to the petitioner, he would have made a detailed objection before the second respondent.

7. Taking into consideration the fact that the 2nd respondent has not furnished with the said copy of documents to the petitioner, this Court finds that there is violation of principles of natural justice and hence the entry made by the 2nd respondent in the revenue records and in the patta, is liable to be set aside. However, liberty is granted to the 2nd respondent to call for a detailed objection from the petitioner, after furnishing him a copy of the application made by the respondents 4 to 6 and then decide the matter on merits, within two weeks from the date of receipt of a copy of this order. Learned counsel for the 6th respondent undertakes before this Court, to serve a copy of the said application to the petitioner. Thereafter, two weeks time is granted to the petitioner to make his objection and the 2nd respondent is directed to consider the same, in accordance with law, within a period of eight weeks from the date of receipt of the objection.

8. With the above observations, the writ petition is

disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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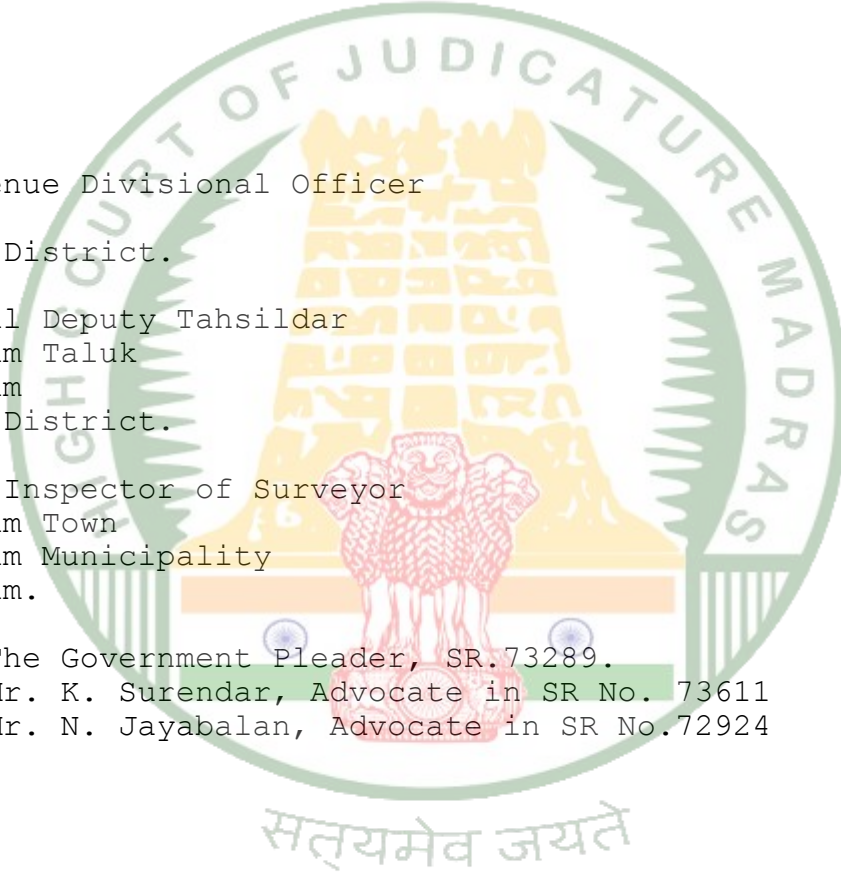
To

1.The Revenue Divisional Officer
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Vellore District.

2.The Zonal Deputy Tahsildar
Arakkonam Taluk
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Vellore District.

3.The Sub Inspector of Surveyor
Arakkonam Town
Arakkonam Municipality
Arokkonam.

+ 1cc to The Government Pleader, SR.73289.
+ 1cc to Mr. K. Surendar, Advocate in SR No. 73611
+ 1cc to Mr. N. Jayabalan, Advocate in SR No.72924



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Vr(20/01/2017)

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