

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.24710 of 2017
and W.M.P.No.26071 of 2017

1 S.Chitra
2 Murugesan
3 N.Muthan
4 M.Mathan
5 D.Sarojini
6 L.Punniakotti
7 M.Devi
8 M.N.Ramani
9 K.Lakshmanan [Petitioners]

Vs

1 The District Revenue Officer
Kanchipuram District Kanchipuram
Tindivanam Road.
2 A.G.Gopal
3 A.G.Subbulakshmi
4 M.Prakash [Respondents]

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for records in his proceedings Na.Ka.No.15696/ 2015/No.4 dated 31.07.2016 on the file of 1st respondent and quash the same.

For Petitioners : Mr.E.Kumarakotti

For Respondents : Mr.R.Rajeswaran, SGP (R1)

ORDER

Mr.R.Rajeswaran, learned Special Government Pleader, takes notice for the 1st respondent and by consent, the main writ petition is taken up for disposal at the admission stage itself.

2. The petitioners have filed the above writ petition to issue a writ of certiorari to call for the records in proceedings dated 31.07.2017, on the file of the 1st respondent and to quash the same.

3. It is the case of the petitioners that the 1st respondent has issued notice calling upon them to appear for enquiry on 18.08.2017 at 05.00 p.m. on the petition made by the respondents 2 to 4 to cancel the patta issued in favour of one Ramani.

4. The learned counsel appearing for the petitioners submitted that the 1st respondent District Revenue Officer is not the authority to cancel the patta and it is only the Tahsildar, who is the authority to cancel the patta.

5. As per the Patta Passbook Act, 1983, only the Revenue Divisional Officer and the District Revenue Officer are empowered to cancel the patta by way of an appeal and revision respectively.

6. The learned counsel for the petitioners further submitted that Civil Suits are pending between the parties and therefore the 1st respondent should not conduct any proceedings in respect of the patta issued in favour of the said Ramani.

7. The petitioners, even without appearing before the 1st respondent, has come before this Court, challenging the impugned notice dated 31.07.2017 to appear for enquiry on 18.08.2017. The petitioners can very well appear before the 1st respondent and put forth their case and the 1st respondent can decide the issue, taking into consideration the case put up by the petitioners and respondents 2 to 4. That apart, the petitioners have challenged only the notice, calling upon them to appear for enquiry.

8. In these circumstances, I do not find any error or irregularity in the impugned proceedings. The writ petition is liable to be dismissed and accordingly the same are dismissed. No costs. Connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

rg
To
The District Revenue Officer
Kanchipuram District Kanchipuram
Tindivanam Road.
+ 1 cc to Government Pleader Sr.68198

W.P.No.24710 of 2017

CA (CO)

<https://hcservices.ecourts.gov.in/hcservices/>

EU (10/10/2017)