

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.15839 of 2016
and W.M.P.Nos.13747 of 2016 & 15849 of 2017

1.Ms.R.Nagammal
2.Ms.M.Revathi
Represented by their Power of Attorney Agent
P.Sivaprakasam ... Petitioners

Vs

1.The Collector,
Tiruvallur District,
Tamil Nadu.
2.The Special Tahsildar,
Natham Land Tax Scheme (Phase-I),
Ambattur Taluk,Tiruvallur District.
3.Tmt.R.Vasantha
4.Mr.R.Mohana Sundaram ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, calling for the records of the 2nd respondent in its Proceedings in Na.Ka.No.11 of 2015, dated 23.03.2016 and quash the same and direct the 2nd respondent to cancel the patta in patta No.278, dated 26.12.2013 issued in favour of Late K.Ramakrishnan, deceased husband and father of 3rd and 4th respondents with regard to the property in Survey No.248/9, Old Survey No.187/5, Ramavaram Village, Kambar Salai, Naidu Street, Maduravoyal Vattam, Tiruvallur District.

For Petitioners : Mr.Gowthaman

For Respondents : Mrs.P.Rajalakshmi
Additional Government Pleader
for R1 & R2

Mr.M.Vijayakumar for R3 & R4

O R D E R

The petitioners have come up with this writ petition, to challenge the Proceedings in Na.Ka.No.11 of 2015, dated 23.03.2016 passed by the second respondent and for consequential relief.

2. The learned counsel for the petitioners submitted that one Ramakrishnan, who is the husband and father of the respondents 3 and 4 respectively, by suppressing the material facts, had obtained patta in his favour for the property in Survey No.248/9, Old Survey No.187/5, Ramavaram Village, Kambar Salai, Naidu Street, Maduravoyal Vattam, Tiruvallur District. Hence, the petitioners made representations dated 18.5.2015 and 10.08.2015 to the second respondent to cancel patta granted in favour of the said Ramakrishnan. Since, no action has been taken on the said representations, the petitioners are before this Court.

3. Upon notice, the second respondent filed a counter affidavit, wherein in paragraph no.7, it has been averred as follows:

" Thiru.K.Ramakrishnan, out of way he has sold two pieces of land based on the purchase of portion measuring 3135 Sq.ft. Out of 6093 Sq.ft vide document 2499 of 2006, dated 01.12.2006 (323 Sq.ft) and document 1028 of 2015, dated 27.04.2015 (1200 Sq.ft). After the sale those portions, as on date, Thiru.Ramakrishnan herein is the owner of 1612 Sq.ft only. Suppressing these facts, instead of applying to get Patta for the remaining extent of 1612 Sq.ft. He has applied for the entire remaining area of 4573 Sq.ft. including the portion under the possession of the Petitioners in S.No.187/5 and the patta was issued wrongly by the then Special Tahsildar on 26.12.2013 for the extent of 4573 without knowing the facts of the history of the land."

4. In the light of the aforesaid averments made in the counter affidavit filed by the second respondent, the respondents 1 and 2 are hereby directed to consider the representations of the petitioner dated 18.5.2015 and 10.8.2015 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners as well as the respondents 3 and 4, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands

disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Collector,
Tiruvallur District,
Tamil Nadu.

2.The Special Tahsildar,
Natham Land Tax Scheme (Phase-I),
Ambattur Taluk,
Tiruvallur District.

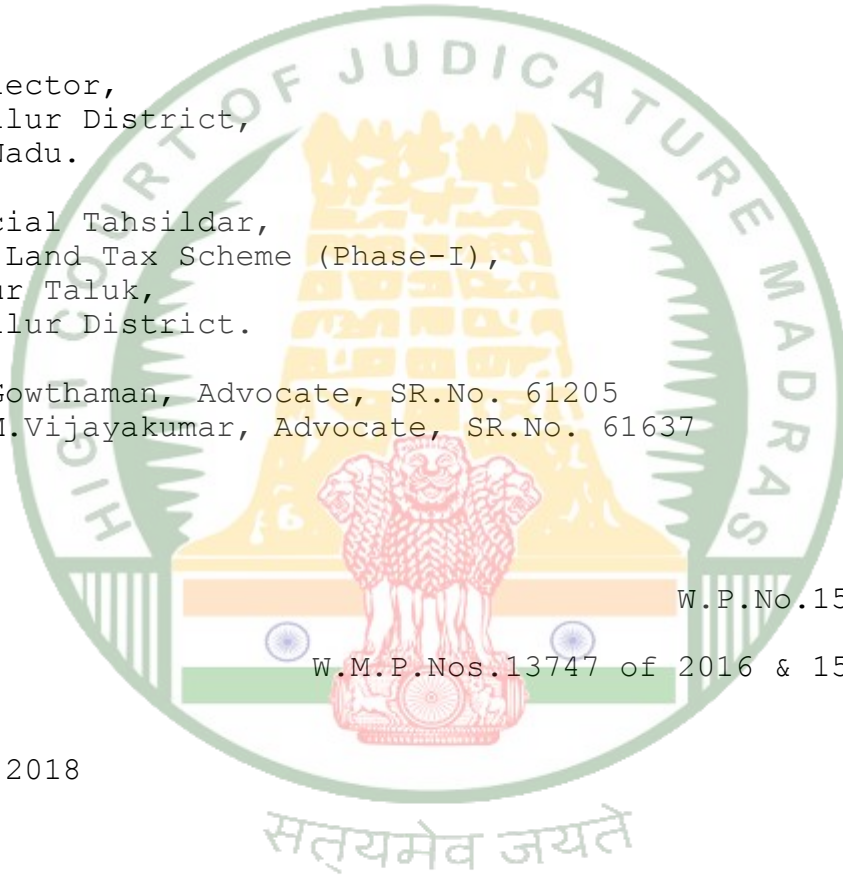
+3 cc Mr.Gowthaman, Advocate, SR.No. 61205

+1 cc Mr.M.Vijayakumar, Advocate, SR.No. 61637

W.P.No.15839 of 2016
and

W.M.P.Nos.13747 of 2016 & 15849 of 2017

CA(CO)
CSL/22.10.2018



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