

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.5047 of 2012
and MP.No.1 of 2012

1. B.Jayaraman
2. J.Amsaveni
3. J.Kalaiselvi
4. J.Kalaivani
5. J.Kamalesh

...Petitioners

Vs.

1. The Principal Secretary and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The District Revenue Officer,
Kanchipuram District,
Kanchipuram.
3. The Assistant Settlement Officer (North),
Chepauk,
Chennai - 5.
4. The Special Tahsildar,
Natham Settlement Scheme,
Tambaram, Chennai- 45.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records of the 4th respondent herein culminating in Na.Ka.A/125/2011, dated 03.02.2012 and quash the same.

For Petitioners : Mr.P.Elayaraj Kumar
for M/s.Ramalingam & Associates

For Respondents : Mr.K.S.Suresh, G.A.

ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents and perused the materials available on record.

2. This writ petition has been filed for issuance of a Writ of Certiorari to quash the order of the 4th respondent, dated 03.02.2012, wherein, the patta issued in favour of the petitioners was cancelled by the fourth respondent.

3. The case of the petitioners is that out of 5.93 acres, the petitioners are the absolute owners of the property to an extent of 1.52.5 acres in Survey No.9 at Panayur Kuppam Village. The fourth respondent issued a patta in favour of the petitioners, by an order dated 13.01.2012. The said patta was cancelled, based on the letter of the third respondent dated 03.02.2012, which is challenged in this writ petition.

4. The learned counsel for the petitioners submitted that the fourth respondent without issuing any notice and conducting enquiry, has passed the impugned order in violation of the principles of natural justice. It is further submitted that a Writ Petition filed in similar circumstances, by a neighbour of the petitioners in W.P.No.4774 of 2012 was allowed by this Court on 13.08.2012.

5. It is contended by the learned Government Advocate for the respondents that the Writ Petition is not maintainable, since the petitioners have alternative remedy of appeal.

6. Perusal of the records would reveal that the fourth respondent had issued patta in favour of the petitioners in respect of the land in question by an order, dated 13.01.2012. Admittedly, the patta was cancelled only on the basis of the letter issued by the third respondent, dated 03.02.2012. In similar facts, this Court has set aside the order and remanded back to the respondent for fresh consideration.

7. In the light of the above facts, the order impugned in this writ petition is set aside and the matter is remitted back to the fourth respondent for fresh consideration, and after

providing an opportunity of hearing to the necessary parties, appropriate order shall be passed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Principal Secretary and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The District Revenue Officer,
Kanchipuram District,
Kanchipuram.
3. The Assistant Settlement Officer (North),
Chepauk,
Chennai - 5.
4. The Special Tahsildar,
Natham Settlement Scheme,
Tambaram, Chennai- 45.

+2cc to Mr.Ramalingam & Associates, Advocate, S.R.No.57103

+1cc to the Government Pleader, S.R.No.57240

WP.No.5047 of 2012

GSP (12/09/2018)

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