

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.32311 of 2015  
and  
M.P.Nos.1 & 2 of 2015

K.Sampath

..Petitioner

Vs

1.The Collector,  
Tiruvallur District, Tiruvallur.

2.Sub Collector,  
Tiruvallur District, Tiruvallur.

3.Village Administrative Officer,  
Koduvelli Village,  
Tiruvallur Taluk and District.

4.Venkateswara Rao

5.G.Jeyavel

6.Rajendran

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the issuance of the order dated 28.04.2015 in Na.Ka.No.2871/2015/A5 issued by the second respondent herein on 29.09.2015 and direct him to hold the enquiry in a manner known to law by giving sufficient opportunity to the parties concerned.

For Petitioner: Mr.C.Umashankar

For R1 - R3 : Mr.J.Sathish  
Additional Government Pleader

For R4 - R6 : No appearance

ORDER

Heard Mr.C.Umashankar, learned Counsel for the petitioner and Mr.J.Sathish, learned Additional Government Pleader appearing for the respondents 1 to 3 and perused materials available on record.

2. Despite served on the notice to the respondents 4 to 6 and their names printed in the cause list, none appeared for them.

3. The case of the petitioner is that the lands in Survey No.539/2A1, 539/2A2, 539/2A4, 539/2A5 and 539/2A6 totally an extent of 6 acres belong to one Murugan and he was also issued with patta. Pursuant to the same, he possessed and enjoyed the lands till he died in the year 1969. The petitioner would claim that his daughter Killiammal sold the property to the petitioner through her power of attorney in the year 2007 and the same was registered as Document No.4228 of 2007. According to the petitioner, he has been in possession of the property since then. He applied for the patta and the same was issued in his name.

4. The learned counsel for the petitioner would submit that based on the representation of the fourth respondent, the second respondent had cancelled the patta issued in favour of the writ petitioner without notice. It is the contention of the learned counsel for the petitioner that, the second respondent, without verifying the position of the said lands and records, arbitrarily cancelled the patta in violation of the principles of natural justice.

5. The learned Additional Government Pleader appearing for the respondents made submissions in respect to the impugned order.

6. On a perusal of the impugned order, it is seen that the second respondent, without conducting any enquiry and without providing an opportunity to the petitioner, has cancelled the patta issued to the writ petitioner.

7. Hence, the impugned order is liable to be set aside and the same is remitted back to the second respondent. He shall pass orders afresh after affording ample opportunity to the petitioner and the private respondents in accordance with law. With the above directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-  
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

To

1.The Collector,  
Tiruvallur District, Tiruvallur.

2.Sub Collector,  
Tiruvallur District, Tiruvallur.

3.Village Administrative Officer,  
Koduvelli Village,  
Tiruvallur Taluk and District.

+1 CC to Mr.C.Umashankar, Advocate sr 68641.

+1 CC to The Govt. Pleader sr 68934.

W.P.No.32311 of 2015  
and  
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SKV(CO)  
SP(27/09/2019)

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