

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.3868 of 2013

Kumudavalli

.. Petitioner

Vs.

1.The District Collector,
Thiruvallur.

2.The District Revenue Officer,
Thiruvallur.

3.The Revenue Divisional Officer,
Ambattur, Chennai - 53.

4.Alamelu

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the third respondent which culminated in his proceedings Na.Ka.No.5094/2005/A1, dated 18.04.2010, quash the same and forbear the respondents from in any manner proceeding further with issue of patta of the fourth respondent.

For petitioner : Mr.P.Wilson Topaz
for M/s.A.S.Kailasam & Asso.

For R1 to R3 : Mr.V.Shanmuga Sundar, Spl.GP

For R4 : No Appearance

ORDER

Challenging the proceedings dated 18.04.2010 passed by the third respondent / Revenue Divisional Officer, Ambattur, Chennai, issuing patta in favour of the fourth respondent / Alamelu, wife of Ezhumalai Naicker, the petitioner has filed this writ petition.

2. It is submitted by the learned counsel for the petitioner that the petitioner had purchased the land bearing Survey Nos.1448/5 and 1448/4, having an extent of 1225 sq.ft., vide Deed of Sale bearing Document No.7883/2004, dated 30.09.2004 and since then, she has been in peaceful possession and enjoyment of the said property. Whiles, when the fourth respondent, in an attempt to grab the said land, approached the

third respondent seeking for grant of patta by making the petitioner's vendor as party to the proceedings, the third respondent, vide proceedings dated 04.12.2003, had rejected her request. However, all of a sudden, now, the third respondent, vide impugned proceedings dated 18.04.2010, issued patta in favour of the fourth respondent in respect of the land in question, that too, without hearing the petitioner.

3. By referring to paragraph No.12 of the counter affidavit filed by the third respondent, learned counsel further submitted that the third respondent had decided to inspect all the three sub-divisions in Survey Nos.1448/4A2, 1448/5 and 1448/6 to arrive at a consensus and to proceed further, after hearing both the parties, but, in view of pendency of the present writ petition, the said Authority has stopped from proceeding further in this matter and therefore, a direction may be given to the third respondent to conduct an enquiry and take a final decision after hearing the petitioner and the fourth respondent.

4. Learned Special Government Pleader, by referring to paragraph No.13 of the counter affidavit, submitted that the petitioner, instead of bringing the property under her possession, has unnecessarily kept the plot vacant, that has paved way for others to claim possession of the said property.

5. Considering the stand taken by the third respondent that he would inspect all the three sub-divisions in Survey Nos.1448/4A2, 1448/5 and 1448/6 to arrive at a consensus between the parties and also considering the fact that the petitioner was not heard before passing of the impugned order, this Court, without going into the merits of the matter, directs the third respondent to conduct an enquiry as he undertook in paragraph No.12 of the counter affidavit and pass orders on merits after hearing the petitioner as well as the fourth respondent within a period of eight weeks from the date of receipt of a copy of this order.

6. In fine, the writ petition stands disposed of by setting aside the impugned order passed by the third respondent. No Costs. M.P.No.2 of 2013 is closed.

Sd/-

Assistant Registrar

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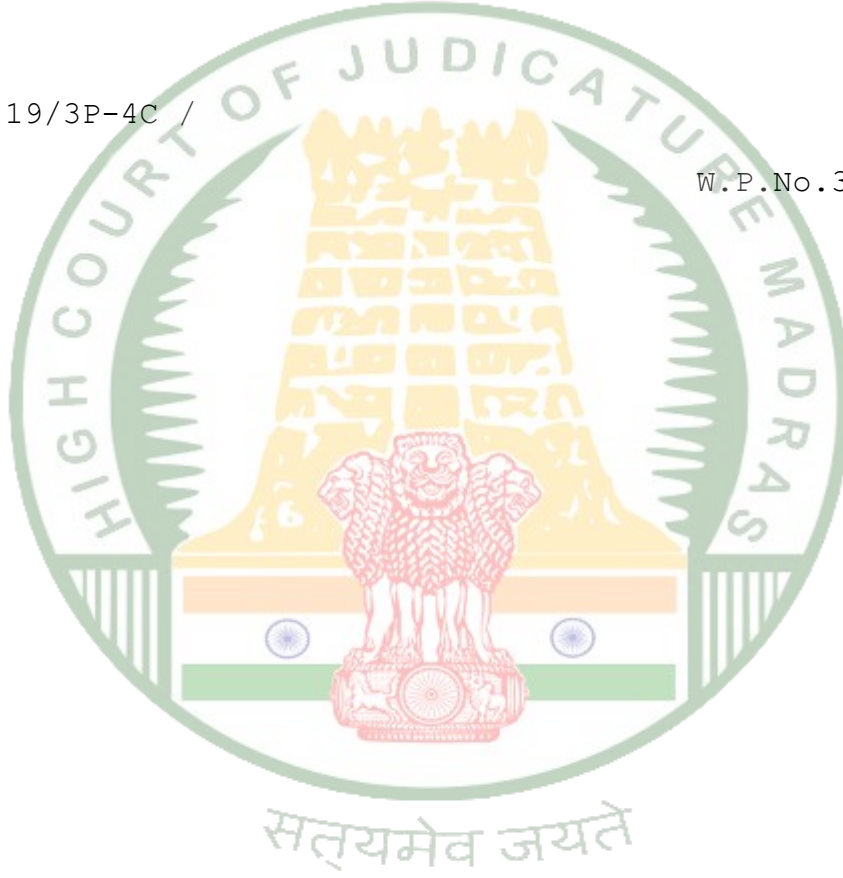
Sub Assistant Registrar

To

- 1.The District Collector,
Thiruvallur.
- 2.The District Revenue Officer,
Thiruvallur.
- 3.The Revenue Divisional Officer,
Ambattur, Chennai - 53.

AKM/03.12.19/3P-4C /

W.P.No.3868 of 2013



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