

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2019

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14122 of 2019

&

WMP Nos.14173, 14174 & 14178 of 2019

1.P.Balakrishnan
2.C.Sasikala

... Petitioners

vs.

1.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Tiruppur Town & District.

2.R.Vengidupathy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in his proceedings vide Na.Ka.No.3372/2016/A2 dated 18.02.2019, wherein the first respondent had removed the name of these petitioners from the Joint Patta i.e., from Patta No.1290 for the lands situated in S.No.273 at Karaipudur Village, Palladam Taluk, Tiruppur District and quash the same and consequently direct the first respondent to conduct fresh enquiry as per the Tamil Nadu Patta Pass-Book Act, 1986, after affording opportunity to the petitioners herein.

For Petitioners : Mr.D.Sreenivasan

For Respondents : Mr.R.Govindasamy, GA for R1

ORDER

Writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in his proceedings vide Na.Ka.No.3372/2016/A2 dated 18.02.2019, wherein, the first respondent had removed the name of the petitioners from the Joint Patta i.e., from Patta No.1290 for the lands situated in S.No.273 at Karaipudur Village, Palladam Taluk, Tiruppur District and quash the same and consequently

direct the first respondent to conduct fresh enquiry as per the Tamil Nadu Patta Pass-Book Act, 1986, after affording an opportunity to the petitioners herein.

2. Heard, Mr.D.Sreenivasan, learned counsel for the petitioners and Mr.R.Govindasamy, learned Government Advocate appearing for the first respondent.

3. The grievance of the petitioners is that the first respondent, without giving an opportunity or notice, has removed their names from joint patta bearing No.1290 in respect of the lands situated in S.No.273 at Karaipudur Village, Palladam Taluk, Tiruppur District, which according to the petitioners that they purchased the same from the legal heirs of the original owner. Hence, the petitioners sought for quashing the impugned proceedings of the first respondent dated 18.02.2019 and consequently to direct the first respondent to conduct fresh enquiry.

4. As against the impugned order, the petitioners are having appeal remedy. However, it has been stated that the petitioners have not been given an opportunity of being heard and their names have been removed in Patta issued by the Government /Tahsildar. Therefore, the petitioners can approach the appellate authority, who is expected to hear the petitioners and the other persons, who are likely to be affected. The petitioners can very well call for the reasons as to why any reasons were given by the original authority before removing the names of the petitioners from patta and no opportunity was afforded to them. The petitioners are entitled to approach the appellate authority as against the impugned order passed by the original authority. The petitioners shall file an appeal within a period of one month from the date of receipt of a copy of this order and the appellate Authority shall pass orders within a period of four weeks thereafter.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected WMPs are closed.

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Sd/-
Assistant Registrar(V.O)
//True Copy//

Sub Assistant Registrar

dn

To

1.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Tiruppur Town & District.

+1cc to the Government Pleader, S.R.No.43636

W.P.No.14122 of 2019

RV (CO)
CS/17/05/2019



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