

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NOS.14291 AND 14292 OF 2013

G.Kotteeswaran

.. Petitioner in both WPs

Vs

1. The District Collector,
Kanchipuram District,
Kanchipuram.

2. The Special Tahsildar,
Land Survey Revenue Scheme (Village Natham),
Krishna Nagar, Mudichoor Road,
West Tambaram, Chennai - 45.

.. Respondents 1 & 2 in both WPs

3.Prakash

.. 3rd Respondent in WP.No.14291/13

4.Mrs.Chinnaponnur

.. 3rd Respondent in WP.No.14292/13

Prayer in W.P.No.14291/13:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the second respondent in issuing Patta No.56, dated 19.04.2013, in favour of the third respondent in respect of land comprised in Grama Natham Old Survey No.42 part subsequently in Grama Natham S.No.42-1 part presently Grama Natham Survey No.69/16 measuring 156 sq.mtrs. i.e. 1678.5 sq.ft. situated at Seevaram Village (Old Mahabalipuram Road), Tambaram Taluk, presently at Sholinganallur Taluk, Kancheepuram District and quash the same and direct the second respondent to hold an enquiry before issuing Patta in respect of the above property by giving an opportunity to the petitioner to submit his objections.

Prayer in W.P.No.14292/13:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the second respondent in issuing Patta No.31, dated 19.04.2013, in favour of the third respondent in respect of land comprised in Grama Natham Old Survey No.42 part subsequently in Grama Natham S.No.42-1 part presently Grama Natham Survey No.69/15 measuring 49 sq.mtrs. i.e. 527.24 sq.ft. situated at

Seevaram Village (Old Mahabalipuram Road), Tambaram Taluk, presently at Sholinganallur Taluk, Kancheepuram District and quash the same and direct the second respondent to hold an enquiry before issuing Patta in respect of the above property by giving an opportunity to the petitioner to submit his objections.

For Petitioner in both WPs. : Mr.N.Nagu Sah

For R1 & R2 in both WPs. : Mrs.A.Sri Jayanthi, Spl.GP

For R3 in WP.No.14291/13 : Mr.G.Poonkundran

For R3 in WP.No.14292/13 : Mr.A.Ramu

ORDER

The petitioner in both writ petitions is one Mr.G.Kotteeswaran. In W.P.No.14291 of 2013, the petitioner challenges the grant of patta in favour of the third respondent/Mr.Prakash, son of Mr.Ravindran. In W.P.No.14292 of 2013, he challenges the patta granted in favour of the third respondent therein/Mrs.Chinnaponnu, wife of Mr.Seetharaman.

2. In W.P.N.o.14292 of 2013, the petitioner's case is that the original assignment patta was granted in favour of his mother on 12.02.1993 and after the life time of the petitioner's mother, the petitioner made an application for transfer of patta in his favour. However, the petitioner was shocked to know that the patta was transferred in favour of the third respondent/Mrs.Chinnaponnu.

3. In W.P.No.14291 of 2013, the petitioner's case is that he has purchased the property in question from one Mr.Munusamy, who had assignment patta dated 16.08.1974. Therefore, it is contended that the petitioner is entitled for grant of patta and not the third respondent/Mr.Prakash.

4. Learned counsels appearing for the third respondent in both writ petitions submitted that the claim made by the petitioner is absolutely erroneous and without any basis.

5. Though such a plea has been raised, it is seen that insofar as patta granted in favour of the third respondent in W.P.No.14292 of 2013 is concerned, if the petitioner claims that his mother was granted assignment patta, then notice ought to have been issued to the petitioner before issuing patta in favour of the third respondent/Mrs.Chinnaponnu. The petitioner is justified in contending that there has been violation of the principles of natural justice. In any event, the writ Court cannot go into the disputed questions of facts, but, to relegate

the matter to the revenue authorities for proper adjudication.

6. In the light of the above, the writ petitions are disposed of by directing the petitioner to file a petition before the second respondent/the Special Tahsildar, Land Survey Revenue Scheme (Village Natham), Krishna Nagar, Mudichoor Road, West Tambaram, Chennai-45, within a period of two weeks from the date of receipt of a copy of this order. In the said petition, the petitioner should clearly state as to how he is entitled for grant of patta enclosing copies of documents in respect of his claim. On receipt of such petition, the second respondent is directed to issue notice to the third respondent in both writ petitions, namely, Mr.Prakash, son of Mr.Ravindran, and Mrs.Chinnaponnu, wife of Mr.Seetharaman, and also to the Project Director of National Highways, because, it is that partial property has now been acquired by the National Highways for project. If there are any persons who claim any interest over the property in question, then those persons should also be issued notice and after conducting thorough enquiry, reasoned orders be passed on merits and in accordance with law, within a period of three months from date on which personal enquiry is concluded. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rkm

To

1. The District Collector,
Kanchipuram District, Kanchipuram.
2. The Special Tahsildar,
Land Survey Revenue Scheme (Village Natham),
Krishna Nagar, Mudichoor Road,
West Tambaram, Chennai - 45.

+2cc to Mr.N.Nagu Sah, Advocate, S.R.No.9378, 9377

+1cc to Mr.A.Ramu, Advocate, S.R.No.9410

+1cc to Mr.G.Poonkundran, Advocate, S.R.No.9769

+1cc to the Government Pleader, S.R.No.10372

W.P.Nos.14291 and 14292 of 2013

VBA(CO)
CS/05/03/2020