



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.21002 of 2005
and
WMP.No.22912 of 2005

S. Thirumalai

...Petitioner

-vs-

1. State of Tamil Nadu rep. by
District Collector,
Kancheepuram District.

2. Revenue Divisional Officer,
Chengalpet.

...Respondents

PRAYER : Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the proceedings of the 2nd respondent in Na.Ka.No.10086/2004/A dated 02.03.2005 on the file of the 2nd respondent, quash the same.

For Petitioner : Mr.B.S. Jhothiraman

For Respondents: Ms. Reehana Begum
Government Advocate

ORDER

Heard Mr.B.S. Jhothiraman, learned counsel for the petitioner and Ms.Reehana Begum, learned Government Advocate for the respondents.

2. With consent of learned counsel on either side, this writ petition itself is taken up for final disposal.

3. The writ petition has been filed challenging the order passed by the 2nd respondent cancelling the patta granted in favour of the petitioner.

4. The first ground urged by Mr.B.S. Jhothiraman, learned counsel for the petitioner is that the impugned order has been passed without issuing notice to the petitioner and it is in violation of the principles of natural justice.



5. Though the learned Government Advocate made earnest effort to sustain the impugned order, however it is seen that it was passed without notice. What has been stated in the impugned order is that there is dispute as regards the title to the property. Therefore, even assuming that the impugned order has been passed without notice to the petitioner no useful purpose would be served by remanding the matter to the 2nd respondent because the 2nd respondent cannot take a decision as to who is the rightful owner of the property, which can be decided only by the Civil Court.

6. For such reason, the writ petition is disposed of by giving liberty to the petitioner to approach the Civil Court to establish his title over the property and if the petitioner approaches the Civil Court, the suit shall be decided based on oral and documentary evidence without reference to any of the averments made in the impugned order. It is open to the petitioner to implead the 2nd respondent and concerned Thasildar as defendants in the said suit as well as persons in whose names have been mentioned in the impugned order. The status quo as on date with regard to the revenue records shall be maintained. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram District.
2. Revenue Divisional Officer,
Chengalpet.

+1cc to Mr.B.S.Jothiraman, Advocate, S.R.No. 18904
+1cc to the Government Pleader, S.R.No. 19720

W.P.No.21002 of 2005

SSI (CO)
GN(15/07/2020)