IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.15555 OF 2020

T.N.Krishnamurthy … Petitioner

Vs.

1. The District Revenue Officer,
   Ranipet District Ranipet.
2 The Zonal Deputy Tahsildar,
   Arakkonam Taluk Arakkonam Ranipet District.
3 Jayapal
4 Balu
5 Selvam
6 Devaki
7 Visalam
8 Mohan
9 The Revenue Divisional Officer, Arakkonam.
   (Suo moto impleaded as 9th respondent)

… Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified mandamus Calling for records of the 2nd respondent in his proceedings pertaining to patta nos.2934 and 24226 both dated 10.06.2020 and quash the same and consequently direct the respondents to restore patta on the basis of the petitioners representation to the 1st respondent dated 26.06.2020

For Petitioner : Mr.G.Jermiah

For Respondent : Mr.S.N.Parthasarathy R1,R2 & R9
Government Advocate

ORDER

The Revenue Divisional Officer, Arakkonam is suo moto added as 9th respondent in this writ petition.

2. Mr,S.N.Parthasarathy, learned Government Advocate takes on behalf of respondents 1,2 and 9.

3. This Writ Petition has been filed challenging the impugned patta Nos.2934 and 24226, dated 10.06.2020.

4. The case of the petitioner is that he purchased the subject properties under two registered sale deeds dated 12.03.2014 and 09.06.2015 respectively. The further case of the petitioner is that the name of the petitioner was also included in the revenue records in patta Nos.392,1165,1389,1616 and 2701. The grievance of the petitioner is that his name was deleted and the second respondent has proceeded to issue the impugned pattas in patta nos.2934 and 24226. The petitioner came to know about the issuance of these pattas only recently. The petitioner made a representation to the first respondent in this regard on 26.06.2020. Since no action was taken on the representation, the petitioner has proceeded to challenge the impugned pattas in this writ petition.

5. Mr.S.N.Parthasarathy, learned Government Advocate, appearing on behalf of the respondents 1,2 and 9 submitted that it is the second respondent who had issued the impugned pattas through proceedings initiated in the year 2017 and 2018. The learned counsel submitted that the petitioner will have to necessarily challenge these proceedings and it is not enough to merely challenge the pattas standing in the name of the private respondents.

6. In reply to these submissions, the learned counsel for the petitioner submitted that the enitre exercise took place behind the back of the petitioner and the petitioner did not have any knowledge with regard to the proceedings that is alleged to have been conducted in the year 2017 and 2018 by the second respondent. The learned counsel submitted that in the absence of any order passed and served on the petitioner, the petitioner had no opportunity to file any appeal in this case. Therefore, the petitioner was forced to directly approach this Court and challenge the impugned pattas.

7. This court has carefully considered the submissions made on either side and materials available on record.

8. The records clearly reveals the fact that the petitioner was granted patta with respect to the subject properties and the

same is evident from the copy of the patta that has been filed in the typed set of papers. The categoric case of the petitioner is that he was not aware about the proceedings conducted by the second respondent in the year 2017 and 2018 and the name of the petitioner has been removed without any notice to the petitioner.

9. Considering the facts and circumstances of the case, this Court suo moto impleaded the Revenue Divisional Officer, Arakonam as the 9th respondent in this writ petition. The second respondent is directed to immediately furnish to the petitioner the proceedings of the year 2017 and 2018, which resulted in the issuance of the impugned pattas, on or before 18.11.2020. The petitioner is directed to file an appeal before the 9th respondent on or before 30.11.2020 along with all the relevant documents. The 9th respondent is directed to conduct an enquiry by affording opportunity to the petitioner and the respondents 3 to 8 and shall pass final orders strictly in accordance with law, within a period of eight weeks from the date of receipt of the appeal from the petitioner. Till final orders are passed by the 9^{th} respondent in the appeal, no further mutation shall take place in the revenue records pertaining to the subject properties and the status quo shall be maintained.

10. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rli

To
1. The District Revenue Officer,
Ranipet District Ranipet.

2. The Zonal Deputy Tahsildar,
Arakkonam Taluk Arakkonam Ranipet District.

3. The Revenue Divisional Officer, Arakkonam.

+1cc to the Government Pleader, S.R.No.35894

W.P.No.15555 of 2020

BP(CO)
CS/11/11/2020