



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14789 of 2011
and M.P.No.1 of 2011
and W.M.P.No.31969 of 2017

V. Rengapashyam

... Petitioner

Vs

1. The District Collector,
Madras District
Office of the District Collector,
Singaravelar Maaligai,
Rajaji Road, Chennai - 600 001.

2. The District Revenue Officer,
Chennai District,
Office of the District Collector,
Singaravelar Maaligai,
Rajaji Road, Chennai - 600 001.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to proceedings Ref.Na.Ka.03/2918/2003 dated 14.06.2011 of the second respondent and quash the same.

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel.
for Mr.A. Jenasenan

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Certiorari, calling for the records relating to proceedings Ref.Na.Ka.03/2918/2003 dated 14.06.2011 of the second respondent and quash the same.

2. Heard Mr.AR.L.Sundaresan, learned senior counsel appearing for the petitioner and Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that the petitioner and



his father jointly purchased the lands comprised in Survey No.22/3 C.T.S.No.47, Block No.54 to an extent of 4.50 grounds in the year 1983 and subsequently, his father settled his share in favour of the petitioner. Adjacent to the said property to an extent of 1733 sq.ft comprised in R.S.No.38 part, T.S.No.3 of Koyambedu Village is also in possession and enjoyment of the petitioner. Subsequently, the said land was purchased by him by a registered sale deed dated 12.03.2001 vide document No.816 of 2001 on the file of the Sub-Registrar Office, Anna Nagar.

4. On the strength of the sale deed, the petitioner made an application for issuance of patta and he was issued patta. However, the Revenue Authorities mistakenly noted the survey number as R.S.No.37 part instead of Survey No.38 part. Therefore, the petitioner filed an application before the Revenue Authorities to rectify the said mistake. The Revenue Authorities did not pass any order and while pending the said request, the petitioner made an application before the Chennai Metropolitan Development Authority for planning permission to construct the Hotel.

5. At that juncture, the first respondent without giving any opportunity to the petitioner and passed the order dated 27.03.2008, thereby cancelling the patta given to the petitioner in respect of the said extent of land comprised in R.S.No.38 part and T.S.No.3/2. It was challenged by the first respondent before this Court in W.P.No.12649 of 2008, by an order dated 12.04.2010 to set aside the impugned order. However, liberty was given to the second respondent to conduct a fresh enquiry in the manner known to law by giving opportunity to the petitioner. Accordingly, the first respondent issued summons to the petitioner for enquiry to be conducted on 23.12.2010. On receipt of the same, the petitioner appeared before the first respondent and requested to furnish the particulars about the basis on which action is pursued and enquiry is being conducted. On receipt of the same, the first respondent did not furnish any materials to the petitioner. Without furnishing the materials, which was sought for by the petitioner, again the impugned summons dated 14.06.2011, the petitioner was called for enquiry to be held on 29.06.2011.

6. The learned Senior Counsel appearing for the petitioner submitted that in fact, the petitioner by a letter dated 16.02.2011 sought for materials for the basis on which the enquiry was sought to be conducted. He further submitted that in the said letter till date neither documents nor materials were furnished by the first respondent relating to the proposed enquiry. Therefore, the petitioner presumed that there are no materials on the side of the first respondent to counter his claim.



7. Considering the above, the first respondent is directed to issue a fresh notice to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner is directed to appear before the first respondent and on his appearance, the first respondent is directed to furnish all the materials for the basis on which, the enquiry is sought to be conducted. On receipt of the same, the petitioner is at liberty to submit his reply along with the required documents, if any, upon which, the first respondent is directed to complete the enquiry, within a period of eight weeks thereafter.

8. With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lpp/mn

To

1. The District Collector,
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Office of the District Collector,
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Rajaji Road, Chennai - 600 001.

2. The District Revenue Officer,
Chennai District,
Office of the District Collector,
Singaravelar Maaligai,
Rajaji Road, Chennai - 600 001.

+2cc to Mr.A.Jenasenan, Advocate, S.R.No.47344
+1cc to the Government Pleader, S.R.No.47884

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and M.P.No.1 of 2011
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VG-II(CO)
CT/18/10/2021