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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15506 of 2015
and M.P.No.2 of 2015 &
W.M.P.No.8647 of 2017

1.Arvind Kumar
2.Ashok Kumar
3.Arjun Kumar

...Petitioners

Vs

1.The Secretary,
Revenue Department,
Fort St. George, Chennai - 600 009.

2.The Government of Tamil Nadu,
rep. by Secretary of Government,
Agriculture Department,
Fort St. George, Chennai - 600 009.

3.The District Collector,
Thiruvallur, Thiruvallur District.

4.The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi, Thiruvallur District.

5.Devi
6.Mangammal
7.A.Alimuthu
8.R.Sasikala
9.A.Velvizhi
10.V.Murali
11.V.Murugan

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India, to issue a Writ of Certiorari, calling
for the records relating to patta which stands in the names of



5th respondent to 7th respondent issued by the 4th respondent in respect of lands comprised in Survey No.26/27 of Vaniyamalli Village, Gummidipoondi Taluk, Thiruvallur District in Patta Nos.795, 796 and 797 and quash the same.

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For Petitioners : Mr.P.R.Balasubramanian

For Respondents

R1 to R4 : Mr.M.Rajendiran
Additional Government Pleader

R5 to R11 : No appearance

O R D E R

The relief sought for in the present writ petition is to call for the records relating to patta which stands in the name of the respondents 5 to 7 issued by the 4th respondent in respect of the lands comprised in Survey No.26/27 of Vaniyamalli Village, Gummidipoondi Taluk, Thiruvallur District in Patta Nos.795, 796 and 797 and quash the same.

2.Patta, cancellation of patta or mutation in Revenue records are to be made by following the procedures as contemplated under the provisions of the Patta Passbook Act, 1983. In the present case the petitioner states that the civil disputes between the parties came to an end and reached finality. The said factum was placed before the competent authority, who in turn also informed that actions would be taken on that. However, the inaction on the part of the respondents resulted in filing of the present writ petition.

3.It is relevant to extract Paragraph 13 of the counter affidavit filed by the Tahsildar which throw light on the stand of the respondent Tahsildar and the same reads as under

"13.In regard to para 11 and 12, it is humbly submitted that the suit referred herein has been dismissed by the learned District Munsif, Ponneri in respect of the respondents 3 and 4. As stated above, assignment granted in favour of Mahalakshmi in respect of S.No.26/2 and 27/1 was already cancelled by the Revenue Divisional Officer, Ponneri is Rc.6620/2011 A2 dt. 11/2011. Action is being initiated by the fourth respondent for the cancellation of the assignment granted in favour of the respondents 5 and 6 in respect of S.No.26/4, 27/5, 26/3 and 26/4."



4. In view of the fact that the respondents have stated that action is being initiated by the 4th respondent Tahsildar for cancellation of the assignment in favour of the respondent 5 and 6, the learned counsel for the petitioner states that no order has been passed till today.

5. In view of the above statement made in the counter affidavit, the 4th respondent is directed to conduct an enquiry by affording an opportunity to all the parties and thereafter, take a decision and pass orders as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of a copy of this order.

6. With these directions, the writ petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cse
To

1. The Secretary,
Revenue Department,
Fort St. George, Chennai - 600 009.
2. The Secretary of Government,
Government of Tamil Nadu,
Agriculture Department,
Fort St. George, Chennai - 600 009.
3. The District Collector,
Thiruvallur, Thiruvallur District.
4. The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi, Thiruvallur District.

W.P.No.15506 of 2015

GJ(CO)
SP(03/01/2022)