



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20922 of 2013

and

M.P.No.1 of 2013

Chinnammal

...Petitioner

-Vs-

1. The District Collector,
Thiruvallur District,
Thiruvallur
2. The Revenue Divisional Officer,
Ponneri,
Thiruvallur District.
3. The Thasildar,
Gummudipoondi,
Thiruvallur District.
4. Sabeeb Miglani
5. Deepika Vijay

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ in Nature of Declaration declaring the action of the third respondent in issuing the proceedings No.RPT.No.RC238512B2 dated 05.04.2013 and RPT.No.RC238508B2 dated 05.04.2013 as illegal null and void and further direction the third respondent to restore the patta in favour of the petitioner.

For Petitioner : Mr.M.Gnanasekar

For R1 to R3 : Mr.V.Jeevagiridharan
Additional Government Pleader

For R4 and R5 : C.Ravi Chandran



ORDER

This Writ Petition has been filed for the issuance of Writ in Nature of Declaration declaring the action of the third respondent in issuing the proceedings No.RPT.No.RC238512B2 dated 05.04.2013 and RPT.No.RC238508B2 dated 05.04.2013 as illegal null and void and further direction the third respondent to restore the patta in favour of the petitioner.

2.Heard Mr.M.Gnansekar, learned counsel appearing for the petitioner, Mr.V.Jeevagiridharan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.C.Ravi Chandran, learned counsel appearing for the respondents 4 and 5.

3.The petitioner filed this writ petition challenging the action of the third respondent in issuing patta in favour of the fourth and fifth respondents herein. While pending the writ petition, the petitioner died. Now, the petition to substitute the legal heirs of the petitioner is also pending. However, as against the issuance of patta, the legal heirs of the deceased petitioner can file an appeal before the second respondent as contemplated under the Tamil Nadu Patta Pass Book Act, 1986.

4.Considering the above, the legal heirs of the deceased petitioner are at liberty to file an appeal as against the issuance of patta in favour of the fourth and fifth respondents herein, within a period of two weeks from the date of receipt of a copy of this order before the second respondent. On receipt of the same, the second respondent is directed to issue notice to the petitioner and the respondents 4 and 5 herein, after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of twelve weeks thereafter.

5.With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mn



To

1. The District Collector,
Thiruvallur District,
Thiruvallur

2. The Revenue Divisional Officer,
Ponneri,
Thiruvallur District.

3. The Thasildar,
Gummudipoondi,
Thiruvallur District.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.65905

+1cc to Mr.G.V.Anjaneya Babu, Advocate, S.R.No.65598

+1cc to the Government Pleader, S.R.No.66125

W.P.No.20922 of 2013
and

M.P.No.1 of 2013

SPD(CO)
RGA(23/12/2021)