

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.13169 of 2018
and W.M.P.Nos.15485 and 15486 of 2018

Mermaid Properties Private Ltd.,
Rep by its Director,
P.Ramachandran

...Petitioner

Vs

1. State represented by
The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai 600 009.

2. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

3. The Tahsildar,
Thiruporur, Kancheepuram.

4. M.Bright Kennedy

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus calling for the records of the second respondent in his proceedings dated 23.12.2016 under Reference Na.Ka.No.21375/2014/No.4, quash the same and direct the third respondent to conduct an enquiry in relation to the property.

For petitioner

... M/s.P.Subba Reddy

For respondents 1 to 3

... Mr.V.Shanmugasundar
Spl.Govt.Pleader

For respondent-4

... Mr.Karthikeyan
for Mr.S.Joel

ORDER

This Writ Petition has been filed challenging the proceedings dated 23.12.2016 of the second respondent, whereby the second respondent has directed the third respondent to issue

patta for the land owners in respect of the properties comprised in Survey Nos.136/1 and 136/2.

2. It is the contention of the petitioner that without affording a fair hearing to the petitioner, the impugned proceedings has been passed by the second respondent. According to the petitioner, he is the exclusive owner of the lands comprised in Survey No.136/2. However, the same is disputed by the fourth respondent, who would submit that the fourth respondent lands are also included in the same Survey No.136/2.

3. Admittedly, no final orders have been passed by the second respondent under the impugned proceedings. Only in the nature of recommendation, the second respondent has directed the third respondent to issue patta for all the land owners in respect of the properties comprised in Survey Nos.136/1 and 136/2. The petitioner has raised the following grounds in this Writ Petition.

a) The second respondent did not give any opportunity to conduct enquiry relating to ownership and possession of the lands. According to him, the lands are in his possession.

b) Being owner of the lands, the second respondent ought to have called for enquiry having collected the papers from him.

c) The Revenue authorities miserably failed to appreciate the fact that the fourth respondent has not impleaded the petitioner-Company, who is a necessary party to the proceedings.

4. As seen from the aforementioned grounds, the petitioner has challenged the Writ Petition on the alleged violation of principles of natural justice by the third respondent. Admittedly, no final orders have been passed by the third respondent.

5. No prejudice will be caused to any of the respondents, if the petitioner is afforded a fair hearing along with other necessary parties including the fourth respondent before any final orders are passed by the third respondent.

6. For the foregoing reasons, this Court directs the third respondent to afford a fair hearing to the petitioner as well as the fourth respondent and permit them to raise their objections with regard to the issuance of patta for their respective properties and thereafter, pass final orders on merits in accordance with law, including granting the petitioner as well as the fourth respondent the right of personal hearing, within a period of 10 weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

srn
To

1. The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai 600 009.
2. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
3. The Tahsildar,
Thiruporur, Kancheepuram.

+1 CC to M/s.P.Subba Reddy, Advocate sr 10008
+1 CC to Mr.S.Joel, Advocate sr 10126.

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AKII(CO)
SP(23/02/2021)

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