



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7149 of 2014
and
M.P.Nos.1 and 2 of 2014

1. E.Radhammal
2. M.Kanthammal

... Petitioners

Vs.

1. The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri - 601 204.

2. The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi - 601 201.

3. G.Ravi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records from the 2nd respondent and quash the proceedings of the 2nd respondent in Na.Ka.1632-2011-A2 dated 12.08.2011 and further direct the 2nd respondent to immediately conduct enquiry on the petitioner's representation dated 18.02.2011 and 10.03.2012 pertaining to wrongful issuance of patta in favour of 3rd respondent in respect of the petitioner's property measuring 0.04.0 Hectares i.e., 10 cents in Survey No.89/7A, Thandalacheri Village, Gummidipoondi Taluk, Thiruvallur District.

For Petitioners : Mr.A.Vimal Raj

For Respondents : Mr.C.Harsha Raj
Government Advocate (for R-1 & R-2)

O R D E R

This petition has been filed seeking to quash the proceedings of the second respondent in Na.Ka.1632-2011-A2 dated



12.08.2011 and further direct the second respondent to immediately conduct enquiry on the first petitioner's representation dated 18.02.2011 and 10.03.2012 pertaining to wrongful issuance of patta in favour of the third respondent in respect of the first petitioner's property measuring 0.04.0 Hectares i.e., 10 cents in Survey No.89/7A, Thandalacheri Village, Gummidipoondi Taluk, Thiruvallur District.

2. The learned counsel for the petitioners submitted that the first petitioner died and the legal heirs of the deceased/first petitioner have to be substituted in the said petition.

3. The learned Government Advocate appearing for the first and second respondents submitted that this Writ Petition has been filed challenging the order passed by the second respondent. If the petitioners file a petition to cancel the patta issued in favour of the third respondent herein, they ought to have filed an appeal before the first respondent.

4. Considering the said submission, the legal heirs of the first petitioner and the second petitioner are directed to file an appeal before the first respondent as against the issuance of patta in favour of the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to issue notice to the third respondent and parties concerned and dispose of the same after giving full opportunity of hearing to all the parties concerned on merits and in accordance with law within a period of 12 weeks thereafter.

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

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kv



To

1. The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri - 601 204.

2. The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi - 601 201.

+1CC to Mr.N.R.Anantha Ramakrishnan, Advocate, Sr.No.37976
+1Cc to Government Pleader, Sr.No.38015

W.P.No.7149 of 2014

KSM (CO)
K.RK. (02.09.2021)