



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18201 of 2020

1.P.Mohana
2.S.Sunitha
3.P.Kavitha
4.P.Praveen Kumar
5.P.Radhika

... Petitioners

Vs

1.The District Collector,
Thiruvallur District, Thiruvallur 602 001
2.Revenue Divisional Officer/Sub-Collector,
Thiruvallur Taluk & District, Thiruvallur 602 001
3.The Tahsildar,
Taluk Office, Thiruvallur 602 001
4.P.Nagappan
5.P.Ramachandran
6.P.Dillibaskar

(R4 to 6 impleaded vide order dated
22.09.2021 in WMP.No.21731 of 2021
in WP.No.18201 of 2020)

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records from the respondents pertaining to the impugned order under Ref.Na.Ka.No.303/2018/A5 dated 26.09.2019 quash the same and directing the respondents to survey and measure the house site of the petitioner under UDR patta No.54 situated at Grama Natham survey No.138/8, No.89, Perumalpattu Village, Thiruvallur 602 024, Thiruvallur Taluk & District.



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For Petitioners : Mr.B.Christ Das

For Respondents

For R1 to 3 : Mr.A.Selvendran,
Special Government Pleader

ORDER

The writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records from the respondents 1 to 3 pertaining to the impugned order under Ref.Na.Ka.No.303/2018/A5 dated 26.09.2019, quash the same and directing the respondents to survey and measure the house site of the petitioner under UDR patta No.54 situated at Grama Natham survey No.138/8, No.89, Perumalpattu Village, Thiruvallur 602 024, Thiruvallur Taluk & District.

2. The petitioner's father owned immovable property in survey No.138/8 at No.89, Perumalpattu Village, Thiruvallur. In fact he was also issued patta bearing No.54 to an extent of 358 sq.mtrs. during the year 1990 under the UDR Grama Natham Survey Scheme. The respondents filed suit for declaration and permanent injunction and the same was decreed in appeal suit by the judgment and decree dated 30.09.2013. On the strength of the decree, they filed petition before the second respondent to cancel the patta issued in favour of the petitioner's father and others in respect of the land comprised in survey No.138/8 including the other lands. The second respondent on receipt of the petition, on the strength of the judgment and decree passed in appeal suit, ordered to issue patta in favour of the respondents 4 to 6 for the subject land herein without issuing any notice to the petitioners.

3. Heard, Mr.B.Christ Das, the learned counsel for the petitioners, and Mr.A.Selvendran, Special Government Pleader appearing for the respondents 1 to 3. Though notice was served, no one appeared on behalf of the respondents 4 to 6 before this Court.

4. Admittedly, the patta stood in the name of the petitioner's father in respect of the property comprised in survey No.138/8 to an extent of 358 sq.mtrs. However, the petitioners were not served any notice and no enquiry was conducted by the second respondent before passing the impugned order. Therefore, it amounts to clear violation of principles of natural justice and it cannot be sustained as against the petitioners. On this sole ground, the impugned order is liable to



be set aside.

5. Accordingly, the impugned order dated 26.09.2019 is set aside. The appeal filed by the respondents 4 to 6 is remanded back to the second respondent for fresh consideration. The second respondent is directed to issue notice to the petitioners and the respondents 4 to 6 herein within a period of two weeks from the date of receipt of copy of this order and thereafter conduct enquiry and, after giving them opportunity of hearing, pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

6. With the above directions, the writ petition is allowed. No order as to costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
Thiruvallur District, Thiruvallur 602 001

2.Revenue Divisional Officer/Sub-Collector,
Thiruvallur Taluk & District, Thiruvallur 602 001

3.The Tahsildar,
Taluk Office, Thiruvallur 602 001

+1cc to the Government Pleader, SR.No.62969

W.P.No.18201 of 2020

KG(CO)
CB(15/12/2021)