IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10961 of 2014
and M.P.No.1 of 2014

P.Singaravelu ...Petitioner

Vs

1. The Revenue Divisional Officer,
   The Revenue Divisional Office,
   Tambaram,
   Chennai.

2. C.Venkatesan (deceased)
3. Tamilmani
4. Saroja
5. Vasuki
6. Ganapathi
7. Sumathi

(R3 to R7 substituted as LRs of the deceased R2 as per order dated 20.03.2020 made in WMP No.11235 of 2017 in W.P.No.10961 of 2014)

8. The Revenue Divisional Officer,
   South Chennai, Alandur, Chennai.

(R8 impleaded as per order dated 20.03.2020 made in WMP No.7807 of 2020 in W.P.No.10961 of 2014) ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorari calling for the records relating to the enquiry proceedings in Na.Ka.No.2027/2013/A, dated 17.02.2014 from the first respondent and quash the same.

For Petitioner	:	Mr.G.Appavu
For R1 & R8	:	Mr.Richardson Wilson Government Advocate.
For R2	:	Died (Steps taken)
For R3 to R7	:	Mr.T.Sellapandian

ORDER

This Writ Petition has been filed for issuance of a Writ of certiorari calling for the records relating to the enquiry proceedings in Na.Ka.No.2027/2013/A, dated 17.02.2014 from the first respondent and quash the same.

2. Heard, Mr.G.Appavu, learned counsel appearing for the petitioner, Mr.Richardson Wilson, learned Government Advocate appearing for respondents 1 & 8 and Mr.T.Sellapandian, learned counsel appearing for the respondents 3 to 7.

3. The case of the petitioner is that he is in continuous possession and enjoyment of the subject property for the past 90 years. Originally, the patta was issued in favour of his mother by the Tahshildar, Tambaram on 13.11.2001. It is a joint patta along with eight others as they are adjacent owners of the property. After demise of his father, his mother obtained patta and after his mother, the legal heirs of the petitioner had jointly inherited the property. The petitioner, being the elder member of the family, filed the writ petition.

4. Whereas, the second respondent challenged the patta issued in favour of the petitioner before the first respondent. On receipt of the appeal, the first respondent issued summons to the petitioner for enquiry to be conducted on 04.03.2014.

5. A perusal of the summons issued by the first respondent reveals that the petitioner was called upon to attend an enquiry to be held on 04.03.2014, the appeal filed by the second respondent under Section 12 of the Tamil Nadu Patta Pass Book Act.

6. The learned counsel for the petitioner would submit that the patta was issued long back in respect of the subject property and the second respondent has no title over the property, even then, he unnecessarily only to give hindrance to the petitioner filed the present appeal and the first respondent, without considering the same, mechanically issued summons.

7. As stated supra, the impugned order is only summons calling upon the petitioner to attend the enquiry on the appeal filed by the second respondent under Section 12 of the Tamil Nadu Patta Pass Book Act, challenging the patta issued by the first respondent in favour of the petitioner's mother. Therefore, this Court finds no merit in the writ petition.

8. The first respondent is directed to complete the enquiry within a period of twelve weeks from the date of receipt of a copy of this order, if not already completed, after giving an opportunity to the petitioner and the parties concerned.

9. With the above direction, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Lpp

To
1. The Revenue Divisional Officer,
   The Revenue Divisional Office,
   Tambaram,
   Chennai.

2. The Revenue Divisional Officer,
   South Chennai,
   Alandur, Chennai.

+1CC to Mr.G.Appavu, Advocate, Sr.No.39247
+1CC to Mr.Government Pleader, Sr.No.39786

W.P.No.10961 of 2014
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AD (CO)
K.RK. (26.10.2021)