



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2021

CORAM

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

W.P.No.18985 of 2021
and
W.M.P.No.20245 of 2021

E.Selvaraj

Vs

...Petitioner

1. The Revenue Divisional Officer,
The office of District Collectorate,
Kancheepuram.

2. The Tahsildar,
The office of Tahsildar,
Sholinganallur,
Chennai.

3. Prasana Kumar

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorari, calling for records relating to the patta issued in Patta No.13714 in Old R.S.No.51/2A2, New R.S.No.51/2B in No.3/594, 3rd Street, Govindan Nagar, Pallavakkam, dated 12.11.2018 issued by the first respondent herein and quash the same.

For Petitioner : Dr.A.Thiyagarajan, Senior Counsel
for M/s.A.Vinu Prahda

For R1 & R2 : Mr.Lokesh Kannadasan
Government Advocate.

O R D E R

This Writ Petition has been filed to issue a Writ of certiorari, calling for the records relating to the patta issued in Patta No.13714 in Old R.S.No.51/2A2, New R.S.No.51/2B in No.3/594, 3rd Street, Govindan Nagar, Pallavakkam, dated 12.11.2018 issued by the first respondent herein and quash the same.



2. The case of the petitioner is that the petitioner owned property to an extent of 1200 sq.ft classified as Gramma Natham and he is in possession and enjoyment of the same. He constructed a house and assessed to the property tax and also water and sewage tax. Therefore, he applied for patta before the second respondent and the same was not considered. At the same time, the third respondent filed an application for issuance of patta without any possession and enjoyment of the property. The second respondent issued summons on 22.03.2017 to the petitioner for enquiry. In fact, the petitioner appeared before the second respondent and the statement was recorded. No order has been passed on the enquiry.

3. At that juncture, the District Revenue Officer issued summons to the petitioner to attend the enquiry to be conducted on 13.04.2018. On that day, the petitioner also appeared and submitted his documents. The District Revenue Officer did not pass any order and conducted enquiry between the petitioner and the first respondent herein. Thereafter, he came to understand that the second respondent issued patta in favour of the third respondent herein for the property comprised in survey No.51/2A2 to an extent of 0.15 hectares in patta No.13714. Aggrieved by the same, the petitioner filed the present Writ Petition.

4. As per Section 12 of the Patta Pass Book Act, any order passed by the second respondent is appealable before the Appellate Authority. The relevant portion of Section 12 of the Patta Pass Book Act is extracted hereunder :

"Appeal - Any persons aggrieved by an order made by the Tahsildar under this Act may, within such period as may be prescribed, appeal to such authority as may be prescribed and the decision of such authority on such appeal shall subject to the provision of Section 13, be final."

5. The petitioner is directed to file an appeal as against the order of patta issued by the second respondent before the Appellate Authority 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 opportunity of hearing and pass orders on merits and in accordance with law.



6. With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Revenue Divisional Officer,
The office of District Collectorate,
Kancheepuram.
2. The Tahsildar,
The office of Tahsildar,
Sholinganallur,
Chennai.

+1CC to Mr.A.Vinupradha, Advocate, Sr.No.45651
+1CC to Mr.Government Pleader, Sr.No.46509

W.P.No.18985 of 2021
and
W.M.P.No.20245 of 2021

PCH (CO)
K.RK. (06.10.2021)