



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.34096 of 2014 and
MP.No.1 of 2014

K.Kamala Kannan

... Petitioner

-Vs-

1.The Collector,
Tindivanam Taluk,
Villupuram District

2.The Sub Collector,
Tindivanam Taluk,
Villupuram District

3.Santha

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the second respondent in his proceedings Na.Ka.A2/2657/13 dated 16.10.2014 and quash the same.

For petitioner : Mr.Dinesh Kumar
for Mr.D.Ravichander

For Respondents
For R1 & 2 : Mr.Richardson Wilson,
Government Advocate

For R3 : No Appearance

ORDER

The Writ Petition has been filed challenging the summon issued by the second respondent on the appeal filed by the third respondent.

2. The third respondent filed appeal before the second respondent as against the issuance of patta in favour of the petitioner. On receipt of the same, the second respondent issued summon and it is under challenge in this writ petition. The learned counsel for the petitioner submitted that the second respondent has no jurisdiction to exercise the power to



conduct enquiry. Admittedly, the third respondent is the third party to the patta issued in favour of the petitioner herein. Therefore, if at all any grievance over the patta, the third respondent has to file an appeal and she rightly filed appeal under Section 12 of the Patta Passbook Act before the second respondent. On receipt of the same, the second respondent rightly issued summon to the petitioner to appear for enquiry to be held on 28.10.2014. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent. As such, the writ petition is devoid of merits and liable to be dismissed.

3. However, the second respondent is directed to issue fresh notice to the petitioner within a period of two weeks from the date of receipt of copy of this order. Thereafter, the second respondent is directed to conduct enquiry after giving sufficient opportunity to the parties concerned and pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

4. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The Collector,
Tindivanam Taluk,
Villupuram District

2.The Sub Collector,
Tindivanam Taluk,
Villupuram District

+1cc to Mr.D.Ravichander, Advocate SR.No.49247

W.P.No.34096 of 2014

PA(CO)
GMY(27/10/2021)