



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. Nos.26297 & 26298 of 2017  
W.M.P.Nos.27957 & 27958 of 2017

A.Meera

... Petitioner in both W.Ps.

-Vs-

1. The Sub Collector,  
Chengalpattu Division,  
Kancheepuram District.

2. The Tahsildhar,  
Chengalpattu Taluk,  
Kancheepuram District.

3. S.Balaji  
4. Andal Ammal

... Respondents in  
W.P.No.26297/2017

1. The Revenue Divisional Officer,  
Chengalpattu Division,  
Kancheepuram District.

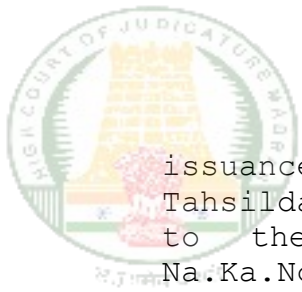
2. The Tahsildhar,  
Chengalpattu Taluk,  
Kancheepuram District.

3. S.Balaji  
4. Andal Ammal

... Respondents in  
W.P.No.26298/2017

Prayer in W.P.No.26297 of 2017 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the Sub Collector, Chengalpattu, the first respondent herein to pass order on the representation of the petitioner dated 30.06.2016 received by the first respondent on 04.07.2016 within a time frame as may be fixed by this Court.

Prayer in W.P.No.19110 of 2017 :- Writ Petition filed under Article 226 of the Constitution of India praying for the



issuance of a Writ of Certiorari, to call for the records of the Tahsildar, Chengalpattu, the second respondent herein relating to the notice of the proceedings dated 28.07.2017 in Na.Ka.No.2802/2017/B2 and quash the same.

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For Petitioner  
in both WPs : Mr.A.Saravanan

For Respondents  
in both WPs  
For R1 & R2 : Mr.M.R.Gokul Krishnan  
Government Advocate  
For R3 & R4 : Mr.P.Gurunathan

#### COMMON ORDER

These Writ Petitions have been filed to direct the Sub Collector, Chengalpattu, the first respondent herein to pass order on the representation of the petitioner dated 30.06.2016 received by the first respondent on 04.07.2016 within a time frame and to call for the records of the Tahsildar, Chengalpattu, the second respondent herein relating to the notice of the proceedings dated 28.07.2017 in Na.Ka.No.2802/2017/B2 and quash the same.

2. The case of the petitioner is that patta in respect of the subject land stood in the name of the petitioner's father and his brother's sons. While being so, the third respondent herein, claiming to be a descendant of original owner, applied for patta before the second respondent. Accordingly, his name was also included in the patta and on the strength of the patta, the third respondent is trying to alienate the land. Therefore, the petitioner lodged compliant and it is pending on the file of the first respondent herein.

3. When the enquiry is pending on the file of the first respondent, the respondents 2 & 3 filed petition before the second respondent for issuance of separate patta for the subject land to an extent of 12 cent in the survey No.89/17 out of total extent of 72 cents. On receipt of the same the second respondent issued summon dated 28.07.2017 to the petitioner for enquiry. Aggrieved by the same, the petitioner filed the present Writ Petitions.

4. Heard Mr.A.Saravanan, learned counsel appearing for the petitioner, Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1 & 2 and Mr.P.Gurunathan, learned counsel appearing for the respondents 3 & 4.



5. When the enquiry is pending on the file of the first respondent with regard to the same issue, the second respondent ought not to have issued the impugned summon for enquiry. Therefore, the impugned summon dated 28.07.2017 cannot be sustainable and is liable to be set aside. Accordingly the impugned summon dated 28.07.2017 issued by the second respondent viz., Tahsildar, Chengalpattu, in Na.Ka.No.2802/2017/B2 is hereby quashed.

6. Insofar as the Writ Petition in W.P.No.26297 of 2017 is concerned, the petitioner and the respondents 3 & 4 are directed to submit fresh representation before the Revenue Divisional Officer, Chengalpattu, within a period of two weeks from the date of receipt of a copy of this Order. On receipt of the same, the Revenue Divisional Officer, Chengalpattu is directed to conduct enquiry after giving opportunity of hearing to both the parties and pass order on merits and in accordance with law, within a period of twelve weeks thereafter.

7. With the above directions, the Writ petition in W.P.No.26297 of 2017 stands disposed of and the Writ Petition in W.P.No.26298 of 2017 stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Sub Collector,  
Chengalpattu Division,  
Kancheepuram District.
2. The Revenue Divisional Officer,  
Chengalpattu Division,  
Kancheepuram District.



3. The Tahsildhar,  
Chengalpattu Taluk,  
Kancheepuram District.

+2CCs to Mr.A.Saravanan, Advocate, Sr.Nos.57102, 57103  
+1CC to Mr.Government Pleader, Sr.No.57648

W.P. Nos.26297 & 26298 of 2017  
W.M.P.Nos.27957 & 27958 of 2017

SJ (CO)  
K.RK. (25.11.2021)