



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.3505 of 2022
W.M.P.No.3640 of 2022

S.Ananthan

... Petitioner

.Vs.

1. The Revenue Divisional Officer,
Chennai Central Division,
Park Road,
Chennai - 600 101.

2. The Tahsildar,
Taluk Office,
Ambattur,
Chennai District.

3. V.N.Devadoss

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings of the first respondent made in No.A1/3109/2021 dated 27.12.2021, set aside the same and consequently, direct the first respondent to conduct de novo enquiry, after furnishing the counter/statement and all relevant documents filed by the second and third respondents in the enquiry conducted by the first respondent.

For Petitioner : Mr.S.Gunasekaran

For Respondents : Mr.Chezhiyan
Additional Government Pleader

ORDER

The petitioner has filed this petition to call for the records of the proceedings of the first respondent made in No.A1/3109/2021 dated 27.12.2021, set aside the same and consequently, direct the first respondent to conduct de novo



enquiry, after furnishing the counter/statement and all relevant documents filed by the second and third respondents in the enquiry conducted by the first respondent.

2. Mr.T.Chezhiyan, learned Additional Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the Learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner made an application for cancellation of Patta erroneously granted in favour of the third respondent. However, the same was not considered. Hence, the petitioner approached this Court by filing W.P.No.28341 of 2019. This Court, by its order dated 12.08.2021 issued a direction to the first respondent to consider and pass orders. Pursuant to the said order, the present impugned order was passed against the petitioner. Hence the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that as per the Patta Pass Book Act, though the first respondent passed an order against the petitioner and there is a remedy available under Section 12 of the Act. Hence, this Court may permit the petitioner to file appropriate revision before DRO. Further, this Court may issue direction to the authority to furnish the document which was sought before the R.D.O. within the time frame that may be fixed by this Court.

5. The learned Government Advocate appearing for the respondents submits that the petitioner's application will be considered by the respondents within the time frame that may be fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, inclined to grant permission to the petitioner to file appropriate representation under Section 12 of the Patta Pass Book Act before the District Revenue Officer within a period of 2 weeks from the date of receipt of copy of this order. Further, the petitioner is granted liberty to make a revision application before the D.R.O for the supply of documents which are not supplied during the R.D.O proceedings before the first respondent. If any such request is made the D.R.O is directed to consider the revision application and pass appropriate in the manner known to law. Registry is directed to return the original impugned order enable the petitioner to file revision application before D.R.O and this petition was pending before



this Court shall be excluded for the purpose of limitation for entertaining the revision.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nhs/tri

To

1. The Revenue Divisional Officer,
Chennai Central Division,
Park Road,
Chennai - 600 101.
2. The Tahsildar,
Taluk Office,
Ambattur,
Chennai District.
3. The District Revenue Officer,
Chennai - 600 001.

Copy To:-

The Section Officer,
E.R. Section,
High Court, Madras - 104.

+1cc to Mr.S.Gunasekaran, Advocate, S.R.No.11922
+1cc to the Government Pleader, S.R.No.12313

W.P.No.3505 of 2022
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CP(CO)
PBS/17/03/2022