



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.3486, 6153 and 6156 of 2022
and W.M.P.Nos.3609, 3611, 3613, 6223 to 6225 and 6227 to
6230 of 2022

S.Muthumari ... Petitioner in W.P.No.3486/2022
M.Bhavani ... Petitioner in W.P.No.6153/2022
S.Mohammed Yusuf ... Petitioner in W.P.No.6156/2022

Vs.

- 1.The District Revenue Officer,
Kancheepuram District.
- 2.The Revenue Divisional Officer,
Sriperambudur Taluk,
Sriperambudur.
- 3.The Zonal Deputy Tahsildar,
Kundrathur Taluk,
Kundrathur, Kancheepuram District.

4.S.Yesupatham ... Respondents in all petitions

Common Prayer: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to the impugned proceeding dated 13/01/2021 in Na. Ka. No. 508 / 2020 / A1 and quash the same in so far as it relates to the lands belonging to the petitioner herein bearing Plot No.24, 3 & 31 respectively measuring about 1,800 square feet or 167.28 square meters in present Survey No. 539/3A1, 539/3AK2 & 539/3N respectively old Survey Nos. 539/3 and 539/4 in Kalam Nagar, Village No. 82 Varadarajapuram Village, Sriperambudur Taluk, Kancheepuram District, direct the 3rd respondent to restore Patta Nos. 13223, 7575, 12131 respectively and record the name of the petitioner in respect of the aforesaid land in the village records.

All WP's

For Petitioner : Mr.K.N.Nataraj

For RR1 to 3 : Mr.Yogesh Kanndasan
Special Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>
For RR4 : Mr.C.Prabakaran



COMMON ORDER

This petition has been filed for issuance of writ of Certiorarified Mandamus Certiorarified Mandamus calling for the records of the 2nd respondent relating to the impugned proceeding dated 13/01/2021 and quash the same in so far as it relates to the lands belonging to the petitioners herein and direct the 3rd respondent to restore Patta Nos. 13223, 7575, 12131 and record the name of the petitioners in respect of the aforesaid land in the village records.

2. The case of the petitioners is that the petitioners have owned a land situated at Plot No.31, measuring about 1,800 square feet or 167.28 square meters in present Survey No. 539/3AK2, old Survey Nos. 539/3 and 539/4 in Kalam Nagar, Village No. 82, Varadarajapuram Village, Sriperambudur Taluk, Kancheepuram District. The petitioners have purchased the property from Asha Bheevi under Sale Deed dated 18.06.2008 and the said Asha Bheevi, purchased the property from Kanniyappan, who purchased the property from the legal heirs of Natarajan. After purchase, the petitioners had obtained pattas in their names. While so, one Shankar, father of the 4th respondent, who is none other than the brother's son of Natarajan, made application on 20.11.2018 before the Revenue Divisional Officer, for cancellation of patta obtained by the petitioners as well as the subsequent purchasers, who purchased the property from the legal heirs of Natarajan. The legal heirs of the said Natarajan and the 4th respondent appeared before the Revenue Divisional Officer / 2nd respondent, who without conducting any proper enquiry had cancelled the patta, granted in favour of the petitioners, without issuing any notice to the petitioners. Challenging the same, the present petition is filed.

3. The learned counsel appearing for the petitioners submitted that without issuing any notice to the parties concerned, the official respondents had cancelled the pattas in respect of the petitioners' land for extraneous considerations and if there exists any disputed question of title and any person required any modification in respect of any entry in the patta pass book, they shall make an application to the Tahsildar for the modification of the relevant entries in the patta pass book in terms of Section 10 of the Tamil Nadu patta Passbook Act. Instead of filing application under Section 10 of the said Act, straightaway filing appeal before the Revenue Divisional Officer in terms of Section 12 of the said Act, is not sustainable and prays for quashment of the impugned order.

4. The learned Special Government Pleader appearing for the official respondent submitted that on an earlier occasion, the Revenue Divisional Officer appeared before this Court and conceded that based on the appeal petition, the present impugned order was passed and he also fairly conceded



that before invoking the provision of appeal remedy before the Revenue Divisional Officer, the 4th respondent ought to have approached the Tahsildar, for modification and hence, the impugned order is non est in the eye of law.

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5. The learned counsel appearing for the 4th respondent did not dispute the legal position as submitted by the petitioner in the present case.

6. Considering the facts and circumstances, admittedly, the petitioners purchased the properties from the legal heirs of the said Natarajan, who is close relative to the 4th respondent and both the 4th respondent and the legal heirs of the Natarajan appeared before the 2nd respondent, who without issuing any notice to the petitioner, had cancelled the patta. Therefore, it appears that the said impugned order was passed without hearing the petitioner. Further as per Section 10 of the Patta Passbook Act, any modification required in respect of any entry in the patta pass book already issued under Section 3, the aggrieved party should file application before the jurisdictional Tahsildar. However, in the present case on hand, the 4th respondent instead of filing application before the 4th respondent, has filed the appeal before the Revenue Divisional Officer, is not sustainable and the said aspect is also conceded by the respective learned counsel appearing for the respondents and therefore, the impugned order passed by the 2nd respondent is liable to be set aside.

7. For the reasons aforesaid, these Writ Petitions are allowed and the impugned proceeding dated 13/01/2021 in Na. Ka. No. 508 / 2020 / A1, is quashed. However it is open to the 4th respondent to file an appropriate application in terms of Section 10 of the Tamil Nadu Patta Passbook Act, before the jurisdictional Tahsildar and further if any such application is received, the jurisdictional Tahsildar is directed to pass appropriate orders, after affording opportunity to the petitioners. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
Kancheepuram District.



2.The Revenue Divisional Officer,
Sriperambudur Taluk,
Sriperambudur.

3.The Zonal Deputy Tahsildar,
Kundrathur Taluk,
Kundrathur, Kancheepuram District.

+3ccs to Mr.K.N.Nataraj, Advocate SR. Nos.26219, 26220, 26221
+1cc to Mr.C.Prabakaran, Advocate SR. No. 26289
+1cc to Special Government Pleader SR. Nos. 26761, 26760,
26777

W.P.Nos.3486, 6153 and 6156 of 2022

SKM (CO)
PR (28/04/2022)