



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30491 of 2012 and
W.M.P.Nos.2, 3, 4 & 5 of 2015

Shri Krishna Builders
Rep. By its Managing Partner
Mr.P.Nandakumar
Madura Gardens, Old No.491, New No.15,
Poonamallee High Road,
Maduravoyal, Chennai - 95.

... Petitioners

Vs.

1. The District Collector,
Thiruvallur District,
Office of the District Collector,
Thiruvallur District.
2. The Revenue Divisional Officer Ambattur,
Office of the Revenue Divisional Officer
at Ambattur,
Thiruvallur District.
3. The Tahsildar Ambattur Taluk,
Office of the Tahsildar Ambattur Taluk,
Ambattur, Thiruvallur District.
4. P.N.Nagaraj
5. The Tahsildar, Maduravoyal,
O/O The Tahsildar Maduravoyal Taluk,
Gangai Amman Koil Street, Alapakkam,
Chennai-600 116.

6.S.Ganesan

7.Sunil Jitendra
(R5 to R7 Impleaded vide order
dated 23.02.2022 Made in MP.1/15)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in proceeding bearing Na.Ka.851/2012/A5 dated 18.10.2012 pertaining to the



cancellation of Patta granted in favour of the petitioner Company regarding the property situated at Ambattur Taluk-Maduravoyal Village Survey No.127/5A2, Acre 0.58 Cents and quash the same as the very same matter is pending before Civil Court and consequently restrain the 3rd respondent from any manner implementing the impugned order of the 2nd respondent.

For Petitioner : Mr.A.Palaniappan

For R1 to R3 : Mr.M.Murali
Government Advocate

ORDER

This Writ petition has been filed seeking for a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in proceeding bearing Na.Ka.851/2012/A5 dated 18.10.2012 pertaining to the cancellation of Patta granted in favour of the petitioner Company regarding the property situated at Ambattur Taluk-Maduravoyal Village Survey No.127/5A2, Acre 0.58 Cents and quash the same as the very same matter is pending before Civil Court and consequently restrain the 3rd respondent from any manner implementing the impugned order of the 2nd respondent.

2. The case of the petitioner is that, the petitioner firm owns the land in S.No.127/5A2 and the then Tahsildar granted patta in favour of the petitioner. While so the 4th respondent filed a Suit in O.S.No.115 of 2009 seeking for declaration and for vacant possession of the property. During the pendency of the said Suit, the 4th respondent had given Power of Attorney to one B.Thiyagu in respect of the same property and the said Thiyagu made a representation dated 25.01.2012 before the 2nd respondent for cancellation of the said patta. Since, the said representation was not considered, he filed a Writ Petition in W.P.No.3961 of 2012 and this Court vide its order dated 21.02.2012 issued direction to the 2nd respondent herein to consider the representation of the petitioner therein and pass orders after affording opportunity to the petitioner herein. In compliance with the said order, the present impugned order was passed, cancelling the patta granted by the then Tahsildar in favour of the petitioner firm. Challenging the same the present Writ Petition is filed.

3. The learned counsel for the petitioner submits that the 4th respondent filed a Suit in O.S.No.115 of 2009 on the file of the District Munsif Court, Poonamallee, for declaration and vacant possession of the said property and the said suit was dismissed on 12.09.2013. However, prior to that, the present impugned order was passed without providing adequate opportunity



३.१. प्रयोग ५२८



rap/skt

To

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Office of the District Collector,
Thiruvallur District.
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Office of the Revenue Divisional Officer
at Ambattur,
Thiruvallur District.
3. The Tahsildar Ambattur Taluk,
Office of the Tahsildar Ambattur Taluk,
Ambattur, Thiruvallur District.
4. The Tahsildar, Maduravoyal,
O/O The Tahsildar Maduravoyal Taluk,
Gangai Amman Koil Street, Alapakkam,
Chennai-600 116.

Copy To:

1. The District Revenue Officer,
Thiruvallur District.
2. The Section Officer,
E.R Section, High Court, Madras.

+lcc to M/s.A.Palaniappan, Advocate, S.R.No.12715
+lcc to the Special Government Pleader, S.R.No.12301

W.P.No.30491 of 2012

RP (CO)
SB (19/04/2022)