



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.34602 of 2012
and W.M.P.Nos.1 and 2 of 2012

B.Sivakumar

... Petitioner

Vs.

1.The Tahsildar,
Tambaram Taluk,
Tambaram,
Chennai-600 045.

2.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Chennai-600 119.

3.N.Suresh Kumar
4.R.Sharmila
5.N.Rajesh

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 1st respondent pertaining to his proceedings made in Na.Ka.5060/2003/AA1 dated 12.04.2006 and quash the same so far as the petitioner is concerned.

For Petitioner : M/s.T.Pappaiah Dharmarajan

For R1 & R2 : Mr.P.Sathish
Additional Government Pleader

For R3 & R4 : Mr.L.Murali Krishnan

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to call for the records of the 1st respondent



pertaining to his proceedings made in Na.Ka.5060/2003/AA1 dated 12.04.2006 and quash the same so far as the petitioner is concerned.

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

3. Since no adverse order is being passed as against the private respondents, notice to the private respondents is dispensed with.

4. The case of the petitioners is that the petitioner purchased a vacant site measuring about 2311.5 Sq.ft. in Plot No.9 and comprised in Survey No.42/1A and 42/1C of Pallikaranai Village under Sale Deed dated 23.03.1994, bearing document No.856/1994 before the Office of the District Registrar. The total extent of land in Plot No.9 is 7125 Sq.ft, out of which, the petitioner purchased 2311.5 Sq.ft which is a portion and the remaining extent of the lands was purchased by one Janardanam and K.Parthasarathy. The Deputy Tahsildar, Tambaram, in his proceedings RPT.2303/93-94, issued Patta in favour of the petitioner's vendor for the entire land of 2311.5 sq.ft and thereafter, a Joint Patta was issued in the name of Janardhanam, petitioner and K.Parthasarathy for the entire land in Plot No.9. Thereafter, the Deputy Tahsildar, Tambaram issued individual Patta for the land purchased under Sale Deed dt.23.03.1994 in favour of the petitioner. The entire land in Plot No.9 was duly sub-divided into 3 pieces, as per the 3 Sale Deeds dt.23.03.1994 by the Tahsildar, Saidapet in his proceedings in 8A.No.2288/1403, dt.20.05.1994. This Sub-division has been duly effected in the Revenue Records. From the date of purchase, the petitioner is in possession and enjoyment of the property. While so, in the year 2006, one M.Natarajan made an application to the first respondent for change of Patta for the land in Plot No.9. Based on his petition, it appears that the 1st respondent initiated proceedings in Na.Ka.5060/2003/AA1 and passed order dt.12.04.2006, cancelling the petitioner's Patta and the sub-division was effected on flimsy grounds. It appears that the said M.Natarajan died and it seems from the pleadings of the suit O.S.No.682 of 2012, that his legal heirs namely the respondents 3 to 5 are added as parties representing the deceased M.Natarajan. Challenging the order dt.12.04.2006 passed by the 1st respondent, this writ petition is filed with the above said prayer.



5. The learned counsel appearing for the petitioner submitted that, cancellation of Patta at the instigation of one M.Natarajan was passed by the 1st respondent, is clear violation of principles of natural justice. Accordingly, he prayed for passing appropriate orders.

6. The learned Counsel appearing on behalf of the private respondents submitted that as against the order passed against the petitioner by the Tahsildar, the remedy available to the petitioner is before the appellate authority/Revenue Divisional Officer under Section 12 Tamil Nadu Patta Pass Book Act. Without, availing such remedy filing this Writ Petition is not sustainable. Accordingly, he prayed for dismissal of this Writ petition.

7. Considering the facts and circumstances, this Writ Petition is dismissed. However, liberty is granted to the petitioner to file appeal before the Revenue Divisional Officer within a period of two weeks from the date of receipt of a copy of this order, The Revenue Divisional Officer shall pass orders within a period of twelve weeks thereafter. The period of pendency of Writ Petition before this Court is excluded in order to enable the Revenue Divisional Officer to pass orders. No costs. Consequently, connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

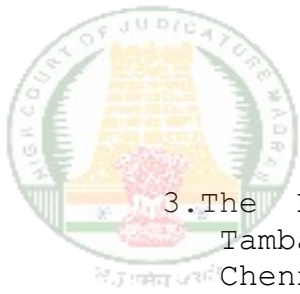
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SUB ASSISTANT REGISTRAR

Psa
To

1. The Tahsildar,
Tambaram Taluk,
Tambaram,
Chennai-600 045.

2. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Chennai-600 119.



3.The Revenue Divisional Officer,
Tambaram,
Chennai.

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+1cc to Mr.L.Muralikrishnan, Advocate Sr.17202
+1cc to the Government Pleader Sr.17806

W.P. No.34602 of 2012

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srg 04/04/2022