



WEB COPY



WP.No.32953 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.32953 of 2015
and W.M.P.No.22116 of 2016

K.Swaminathan

.. Petitioner

Versus

1.The Collector
Kancheepuram District
Kancheepuram

2.The District Revenue Officer
Kancheepuram District
Kancheepuram

3.The Revenue Divisional Officer
Kancheepuram District
Kancheepuram

4.Balakrishnan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of 3rd respondent dated 14.09.2015 in Na.Ka.No.3212/2014/A2 and quash the same as non est in law and to consequentially direct the third respondent to conduct a fresh enquiry after issuing fresh notice and opportunity of personal to the petitioners.

For Petitioner : Mr.K.Muthuramalingam

For Respondents : Mr.U.Baranidaran for R1-R3
Additional Government Pleader
Mr.N.Manokaran for R4



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ORDER

WEB COPY This writ petition is filed seeking for challenging the records of 3rd respondent dated 14.09.2015 in Na.Ka.No.3212/2014/A2, quash the same and consequently direct the third respondent to conduct a fresh enquiry after issuing fresh notice and opportunity of personal hearing to the petitioners.

2. The case of the petitioner is that the petitioner's wife is the original owner of the property to an extent of 62 cents in S.No.139/3 of Vadakapatu Village, Sriperumbudur Taluk, Kancheepuram District. Pursuant to the death of the her wife, the petitioner sold the property to a third party. While so, the fourth respondent sent a notice to the petitioner's deceased wife and the third respondent seeking cancellation and transfer of patta for the subject property. Subsequently, the third respondent sent two notices for hearing to the deceased K. Chitra which was not delivered on time to the petitioner. However, the third respondent passed the impugned order cancelling the patta granted in favour of the petitioner. Challenging the said impugned, the petitioner has come up with this writ petition.

3. Heard the learned counsel for both sides and perused the materials available on record.



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4. Admittedly, the facts of the present case are not in dispute.

Considering the facts and circumstances of this case, this Court is of the view that as against the order of the third respondent, there is an effective remedy before the second respondent, without exhausting such remedy available under the Tamil Nadu Patta Passbook Act, 1983. The petitioner has come up with this writ petition which is not maintainable. However, liberty is granted to the petitioner to file an appeal before the second respondent within a period of two weeks from the date of receipt of a copy of this order, if any such appeal is filed, the second respondent shall entertain the same without reference to the delay in filing the appeal by excluding the period spent in prosecuting this writ petition before this Court and pass appropriate order(s) on merits and in accordance with law after providing opportunity of hearing to the petitioner as well as the fourth respondent by following due procedure of law within a period of twelve weeks from the date of receipt of a copy of this Order.

5. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.11.2022

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Index: Yes/No

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M. DHANDAPANI, J.

dhk

To

1.The Collector
Kancheepuram District
Kancheepuram

2.The District Revenue Officer
Kancheepuram District
Kancheepuram

3.The Revenue Divisional Officer
Kancheepuram District
Kancheepuram

W.P.No.32953 of 2015