



W.P.No.9849 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.9849 of 2022
and W.M.P.Nos.9558 and 9560 of 2022

T.Desappan

... Petitioner

Vs.

1. The District Revenue Officer,
Kancheepuram,
Kancheepuram District.
2. The Revenue Divisional Officer,
Kancheepuram,
Kancheepuram District.
3. The Tahsildar,
Sholinganallur,
Kancheepuram District.
4. P.S.Sridhar

... Respondents

Prayer : Writ Petition has filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari for calling for the records of the 3rd respondent in Na.Ka.No.A2/3712/2021 dated 25.10.2021 cancelling the Patta No.14137 issued in the name of the petitioner in respect of the property



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situate at No.142, Palavakkam Village, Saidapet Taluk, comprised in S.No.36/1 measuring an extent 22 cents or thereabouts bearing present Door No.3/564A, Ko.Si.Mani Street, Jai Sankar Nagar, Palavakkam, Chennai - 600 041 and quash the same.

For Petitioner : Mr.R.Thiagarajan

For Respondents 1 to 3 : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition is filed seeking issuance of a Writ of Certiorari to call for the records of the third respondent in Na.Ka.No.A2/3712/2021, dated 25.10.2021, cancelling the Patta No.14137 issued in the name of the petitioner in respect of the property situated at No.142, Palavakkam Village, Saidapet Taluk, comprised in S.No.36/1, measuring an extent 22 cents or thereabouts, bearing present Door No.3/564A, Ko.Si.Mani Street, Jai Sankar Nagar, Palavakkam, Chennai - 600 041 and quash the same.

2. Since no adverse order is being passed against the fourth respondent, notice to the fourth respondent is dispensed with.



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3. The case of the petitioner is that the petitioner's father purchased the aforesaid property from the fourth respondent, who was said to have delegated the power of attorney in respect of the aforesaid property to one P.G.Lakshminarayanan through a registered sale deed dated 31.03.2017. Thereafter, the first respondent issued patta for the subject property in favour of the petitioner's father. Subsequently, Revenue Records were mutated in his name. However, since there was a threat of wrongful invasion and interference of the subject property, the petitioner's father filed a civil suit in C.S.No.674 of 2000 on the file of this Court as against the fourth respondent, the said P.G.Lakshminarayanan and one K.Ravi, seeking for a decree for declaration and permanent injunction and the said suit was decreed by this Court in his favour on 14.03.2008. Thereafter, the subject property was settled in favour of the petitioner by way of a settlement deed, dated 18.08.2008. Subsequently, the first respondent issued Patta in respect of the subject property in favour the petitioner and Revenue Records were mutated in his favour. While so, the first respondent, without issuance of notice to the petitioner, had revoked the Patta granted to him and issued Patta for the subject property in the name of the erstwhile owner/fourth respondent. Aggrieved by the same, the petitioner filed W.P.No.19385 of 2017, seeking



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for cancellation of the patta issued in favour of the fourth respondent and to restore the same in his favour. During pendency of the said writ petition, the third respondent mutated the Patta back to the petitioner's name. However, thereafter, the fourth respondent filed an application dated 10.09.2021 before the third respondent seeking for cancellation of the Patta issued in favour of the petitioner, pursuant to which, the Patta granted in favour of the petitioner was cancelled by the third respondent, vide Na.ka.No.A2/3712/2021 dated 25.10.2021 and mutated in favour of the fourth respondent. Aggrieved by the same, this writ petition has been filed.

4. Learned counsel for the petitioner submitted that he is the owner of the aforesaid property. Initially, Patta for the subject property was granted in his favour. However, the fourth respondent made an application for cancellation of Patta issued in favour of the petitioner before the third respondent, pursuant to which, the third respondent cancelled the Patta that stood in the name of the petitioner and registered the Patta in the name of the fourth respondent. However, the impugned order passed by the third respondent was not furnished to the petitioner. Therefore, he filed a petition in W.P.No.6112 of 2022 before this Court to furnish the entire proceedings



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in Na.ka.No.A2/3712/2021 and the order cancelling the Patta issued in his favour, pursuant to which, based on the order dated 22.03.2022 passed in W.P.No.6112 of 2022, the copy of the impugned order passed by the third respondent was furnished to the petitioner herein. Thereafter, the petitioner came to know that the Patta stood in his name which had been transferred to the fourth respondent, without issuance of notice to the petitioner. However, as against the order impugned passed by the third respondent, there is an effective alternative remedy available before the second respondent under Section 12 of the Tamil Nadu Patta Passbook Act (hereinafter referred to as "the Act"). Hence, he prays this Court to permit the petitioner to file appeal before the second respondent within the reasonable time period as may be fixed by this Court.

5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

6. In view of the fair stand taken by the learned counsel for the petitioner, this Court, without interfering with the order under challenge,



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grants permission to the petitioner to file appropriate appeal before the Appellate authority / Revenue Divisional Officer concerned, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal petition, after providing an opportunity of hearing to the petitioner as well as the private respondent herein, the concerned Revenue Divisional Officer is directed to consider the same on merits and dispose of the said appeal in accordance with law, within a period of 12 weeks thereafter.

7. This Writ Petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

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Speaking Order: Yes/No
Index: Yes/No
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M.DHANDAPANI, J.

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