



W.P.No.38948 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.38948 of 2016
and W.M.P.No.33355 of 2016**

T.Purushothaman

...Petitioner

Versus

1.The District Collector,
The District Collectorate,
Tiruvallur District.

2.The Thasildhar,
Tiruvallur Taluk,
Tiruvallur District.

3.T.I.Rayyapa

4.T.I.Irudhayaraj

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records pertaining to the proceedings of the second respondent filed in NA.KA.2783/2016/AA3 dated 16.09.2016 which culminated issue of Patta No.844 of perambakkam village issued in favour of the 3rd and 4th respondents by the 2nd respondent and to quash the same and consequently, direct the 2nd respondent to restore the Patta No.620 of perambakkam village,



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Tiruvallur Taluk for the land in survey no.361/1 and 361/2B for an area of be restored in favour of the petitioner.

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For Petitioner : Mr.A.P.Suryaprakasam
For Respondents – 1 & 2 : Mr.C.Jayaprakash,
Government Advocate
For Respondents – 3 & 4 : Mr.N.Nagusha

ORDER

The relief sought in this writ petition is to call for the records pertaining to the proceedings of the second respondent filed in NA.KA.2783/2016/AA3 dated 16.09.2016 which culminated issue of Patta No.844 of perambakkam village issued in favour of the respondents 3 & 4 by the second respondent and to quash the same and consequently, direct the second respondent to restore the Patta No.620 of perambakkam village, Tiruvallur Taluk for the land in Survey No.361/1 and 361/2B for an area of be restored in favour of the petitioner.

2. The case of the petitioner is that he is the owner of the land measuring about 2.97 acres in Survey Nos.361/1 and 361/2B by virtue of a Partition Deed registered as Document No.3242/2016 dated 07.04.2016 on the file of Sub-Registrar Office, Redhills. The said land is a part of the larger



extent of land of an area of 9 acres in Survey Nos.361/1 and 361/2 which was originally purchased by the petitioner's paternal grandfather Thalappaneni Chengamma Naidu by virtue of two registered sale deeds which were registered as Document No.2357 of 1992 in book No.1, part 299 page no.39 dated 28.09.1922 and 1940 of 1922 in book No.1, part 299 page no.39 dated 10.08.1992 on the file of the Sub-Registrar Office, Sriperumputhur. After the death of petitioner's grandfather, the said property was inherited by his father and his father died on 16.01.2014.

2.1. After the death of petitioner's father, petitioner and all his siblings partitioned the aforesaid land and they are in peaceful and enjoyment of their respective share of the same. The second respondent has issued Patta No.620 to the petitioner in respect of the piece of land allotted to him in Survey Nos.361/1 & 361/2B by way of aforesaid registered Partitioned Deed. While so, the second respondent vide summon dated 24.08.2016, called upon the petitioner to appear for enquiry on the representations of the respondents 3 & 4 seeking cancellation of Patta No.620 which was issued in his favour in respect of Survey No.361/1 & 361/2B situated in Perambakkam 'A' Village of Tiruvallur District. The petitioner has also participated in the said enquiry



and produced the relevant documents to prove that he had obtained Patta for the subject property in a lawful manner and he is the owner of the aforesaid property.

2.2. Subsequently, he was called to attend an enquiry on 14.09.2016. During the said enquiry, the petitioner informed the second respondent that only Civil Court has got power to cancel the existing Patta on the basis of the suit filed by any third party who seeks for cancellation of the same and the Revenue Authorities have no power to adjudicate or cancel any existing Patta issued in favour of the persons who is shown as owners of the land in Revenue Records. Once again, the second respondent vide summon dated 16.09.2016, called upon the petitioner to appear for enquiry on 26.09.2016. On receipt of said summon, the petitioner sent a legal reply dated 22.09.2016 to the second respondent, through his Advocate.

2.3. In the meanwhile, the respondents 3 & 4 have attempted to trespass into the property of the petitioner. Hence, the petitioner has filed a suit in O.S.No.98 of 2016 before the District Munsif Court, Thiruvallur and the same is pending.



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2.4. While so, the second respondent vide proceedings in NA.KA.2783/2016/AA3 dated 16.09.2016 changed the Patta of the land owned by the petitioner in Survey No.361/1 & 361/2B situated in Perambakkam 'A' Village of Tiruvallur District, in favour of the respondents 3 & 4. Aggrieved over the act of the second respondent, the petitioner gave a representation to the first respondent, however, there was no response for the same. Therefore, left with no other alternative, the petitioner has knocked the doors of this Court with the present writ petition.

3. The learned counsel for the petitioners submitted that during the pendency of this writ petition, the sole petitioner has died on 22.01.2020. Therefore, liberty may be granted to the legal representatives of the deceased petitioner to work their remedy by way of filing an appeal before the Appellate Authority / Revenue Divisional Officer under Section 12 of Tamil Nadu Patta Passbook Act 1984.

4. In view of the above submission made by the learned counsel for the petitioner, this Court without interfering with the proceedings under



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challenge, grants liberty to the legal representatives of the deceased 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 such appeal being filed, the concerned Revenue Divisional Officer shall consider the same, without raising any issue as regards the limitation aspect and dispose of the same, on merits and in accordance with law, after affording due opportunity of hearing to the legal representatives of the deceased petitioner as well as the respondents 3 & 4, within a period of twelve weeks thereafter.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order (or) Non Speaking Order



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M.DHANDAPANI, J.

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