



W.P.No.20205 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 18.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

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1. Sakaria Begum
2. M.Asam Khan
3. K.Kamal Basha
4. V.Kumaraguru
5. M. Mumtaj Begum
6. M.Rabiyath Basariya
7. M.Aboo Huraira
8. S.Meera Mohideen
9. Katchi Mohamed
10. Ameena Beevi
- Rep.by Power Agent
11. Sultan

...Petitioners

VS.

- 1.The Tahsildar,
Ponneri Taluk,
Tiruvallur – 602 024.
2. Revenue Divisional Officer,
Bharathiyar Street,
SP Nagar,
Tiruvallur – 602 003.
3. Pradeep Kumar

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records of the first respondent passed in D.R.2018/01/04/000292SD dated 20.11.2018 and Na.Ka.1134/2020/A2 dated 21.07.2020 and quash the same.

(Prayer amended vide order dated 18.10.2022 made in W.M.P.No.24257 of 2022 in W.P.No.20205 of 2022)

For Petitioner : Mr.P.Krishnan senior counsel for
M/s.V.Balaji

For R1 and R2 : Mr.U.Bharanidharan
Additional Government Pleader

For R3 : M/s.N.Sivakumar

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorari to quash the proceedings of the first respondent passed in D.R.2018/01/04/000292SD dated 20.11.2018 and Na.Ka.1134/2020/A2 dated 21.07.2020.

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



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3. The case of the petitioners is that the eleventh petitioner is the General Power of Attorney for the properties purchased by the petitioners 1 to 10 and a Deed of General Power of Attorney was executed on 09.02.2022 by the petitioners 1 to 10 in favour of the eleventh petitioner. One Pradeep Kumar / third respondent and his son one M.P.Naresh Kumar claim that they are the owners of certain extent of properties purchased by the petitioners in S.Nos.115/5X, 115/5G, 115/5N and 115/6A1 which is being used as access to reach their respective house sites. Based on the forged documents presented by the third respondent and his son, the first respondent issued patta in respect of the properties in S.Nos.115/5X, 115/5G, 115/5N and 115/6A1 in their favour vide impugned orders dated 20.11.2018 and 21.07.2020. Challenging the said impugned order passed by the first respondent, the present Writ Petition has been filed seeking the aforesaid relief.

4. Learned Senior Counsel appearing for the third respondent submitted that Patta was issued by the first respondent in favour of the third respondent and his son vide impugned orders dated 20.11.2018 and



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21.07.2020, which is perfectly in order. However, as per the Patta Passbook Act, once the Patta is issued by the Tahsildar in terms of Section 3 and 10 of the said Act, the aggrieved person may file an appeal under Section 12 of the said Act before the second respondent. Without exhausting such remedy, the petitioners filed the present Writ Petition for quashment of the order passed by the first respondent. Further, for the very same dispute, the third respondent had filed a suit in O.S.No.422 of 2022, which is pending on the file of learned Principal District Judge, Tiruvallur. Hence, he prayed for dismissal of this Writ Petition.

5. Learned counsel for the petitioners submitted that the mutation in the Revenue Records in favour of the third respondent and his son was effected prior to the filing of the above said suit filed by the third respondent. Hence, there is no legal impediment to consider the petitioners grievances and pass appropriate orders.

6. Learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that earlier this Court had issued a direction



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to the Additional Government Pleader to find out as to whether the patta issued by the first respondent is genuine or not, pursuant to which, a report was filed before this Court in which it is stated the Patta issued by the first respondent is genuine, but it is alleged that it is based on the fabricated documents created by the third respondent and his son. Hence, this Court may issue a direction to the District Collector to conduct enquiry by calling upon the parties and find out as to whether the first respondent acted in terms of Patta Passbook Act.

7. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

8. It is seen that the first respondent has issued patta in favour of the third respondent. The question whether the first respondent has issued the patta in consonance with the provisions of the Patta Pass Book Act, is to be decided by the appellate authority, if any appeal filed challenging issuance of patta.



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9. Considering the nature of dispute involved in the present case as also the fact that rendering any opinion on the merits of the case, will adversely affect the parties to the lis, this Court issues a direction to the District Collector to seize the entire records and conduct enquiry by summoning the concerned parties and the first respondent and find out as to whether the first respondent acted in terms of the provisions of the Patta Passbook Act and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

10. Accordingly, this Writ Petition is disposed of. No costs.

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RAP

Index : Yes/No
Speaking order : Yes/No



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M.DHANDAPANI, J.

RAP

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