



W.P.No.5182 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.5182 of 2016

and

W.M.P.No.4554 of 2016

1. T.Selvam

2. K.Kannappan

... Petitioners

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

3. The Revenue Divisional Officer,
Kancheepuram Division,
Kancheepuram.

4. The Tahsildar,
Sriperumbudur Taluk,
Sriperumbudur.

5. The Revenue Inspector,
Sarapananchery Revenue Office,
Sarapananchery,
Padappai Post,
Sriperumbudur Taluk,
Sriperumbudur.

6. S.V.Ravichandran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for



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issuance of a Writ of Certiorari to call for the records of the fourth respondent comprised in Patta No.1656, dated 23.12.2015 in respect of Survey No.35/34 and 35/35 and quash the same.

For Petitioners : M/S.M.Muthusamy

For R1 to R5 : Mr.U.Baranidharan
Additional Government Pleader

For R6 : M/s.K.Sumathi

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to call for the records of the fourth respondent comprised in Patta No.1656, dated 23.12.2015 in respect of Survey No.35/34 and 35/35 and quash the same.

2. The case of the petitioners is that they have purchased the aforesaid properties from Ranjani and Raja, through a registered Sale Deed, dated 23.08.2012, vide Doc.No.5301 of 2012. It is stated that the petitioners' vendors obtained Patta from the Deputy Tahsildar, Sriperumbudur and FMB sketch was also issued by the third respondent and the boundaries were properly mentioned. Subsequent to the execution of the said deed, the petitioners are in continuous possession and enjoyment of the said property. While so, one of the adjacent owners Mr.Ravichandran has made a representation before the second respondent, seeking to measure 2 acres of land and fix boundary stones on four sides, which includes the petitioners'



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property. In this regard, the petitioners made a representation dated 19.09.2014 before the respondents 1 to 5, seeking to remove the boundary stones in respect of 2 acres which were put up by the respondents officials and remove the survey from office records. In spite of such representation, the first respondent directed the 4th respondent to take necessary action and to report the same to the petitioner and the first respondent office. However, since the fourth respondent has not passed any order, the petitioner had filed Writ Petition before this Court in W.P.No.30419 of 2014, and the same is pending. When the said Writ Petition is pending before this Court, the 4th respondent issued Patta in favour of the 6th respondent, which is not sustainable. Challenging the same, the petitioner filed the present Writ Petition.

3. The learned counsel for the petitioners submitted that it would suffice, if this Court issues a direction to the 4th respondent to pass orders on considering the petitioners' representation dated 19.09.2014 within a particular time frame that has to be fixed by this Court.

4. Heard the arguments advanced on either side and perused the materials available on record.



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5. The facts in the present case are not in dispute. Admittedly, the petitioners challenges the Patta issued by the 4th respondent in favour of the 6th respondent. However, for the cancellation of Patta, there is an effective remedy of appeal available by filing appropriate application in terms of Section 10 of the Patta Passbook Act before the fourth respondent. In view of the above, this Court permits the petitioners to file appropriate application before the fourth respondent within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such representation, the fourth respondent is directed to pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the private respondent herein, within a period of ten weeks thereafter.

6. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

20.09.2022

Index : Yes / No
Speaking order: Yes/ No
jd



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To

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Kancheepuram District,
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M.DHANDAPANI, J.

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