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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22680 of 2014

And

M.P.No.1 of 2014

A.Jenasenan

... Petitioner

Vs.

1.The Special Tahsildar,
Urban Land Tax Office,
Kanchipuram Municipal Office Complex,
Kanchipuram.

2.S.Adhiraj

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in the summons dated 04.08.2014 in Na.Ka.No.RPT/370/2014/A, quash the same.

For Petitioner : Mr.V.Ayyadurai - Sr. Counsel for
Mr.E.Manoharan

For Respondents : Mr.A.Anandan for R1
Government Advocate
Mr.T.Dhanasekaran for R2

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the first respondent in the summons dated 04.08.2014 in Na.Ka.No.RPT/370/2014/A, quash the same.

2.The case of the petitioner is that the petitioner is the absolute owner of the property comprised in Survey No.265/1(part), Kanchipuram Town, Kanchipuram District,



measuring an extent of 3375 sq.ft. When such being the position, the first respondent based on the representation made by the second respondent issued the impugned summons to the petitioner. Hence, this writ petition.

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3.The learned counsel appearing for the petitioner submitted that the first respondent has no power to decide the patta issued under the Patta Passbook Act. Only the regular Tahsildar is entitled to decide the issue in terms of Section 3 of the Patta Passbook Act. Hence, this Court may set aside the impugned summons and direct the first respondent to transfer the representation made by the second respondent to the regular Tahsildar, Kanchipuram District.

4.The learned counsel appearing for the second respondent submitted that the second respondent made representation to the regular Tahsildar, Kanchipuram District, however, without his knowledge, it has been transferred to the file of the first respondent.

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

6.Admittedly, the first respondent has no power to decide the issue relating to patta issued under the Patta Passbook Act. Hence, the impugned summons issued by the first respondent dated 04.08.2014 is hereby set aside. The first respondent is directed to transfer the representation made by the second respondent and the entire related papers to the regular Tahsildar, Kanchipuram District. On receipt of the above, the Tahsildar, Kanchipuram District, if he desire to conduct enquiry inbetween the petitioner and the second respondent and pass appropriate orders, within a period of twenty four weeks from the date of receipt of the concerned papers.

7.The writ petition is disposed of with the above observations. No costs. Consequently, the connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



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The Special Tahsildar,
Urban Land Tax Office,
Kanchipuram Municipal Office Complex,
Kanchipuram.

+2cc to Mr.E.Manoharan, Advocate Sr.23314
+1cc to Mr.T.Dhanasekaran, Advocate Sr.24036
+1cc to the Government Pleader Sr.23652

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