



W.P.No.26254 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2022

CORAM:
THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26254 of 2014

and

MP.No.2 of 2014

1. K.Loganathan
 2. K.Rajendran
- ...Petitioners

Vs.

1. The District Collector,
Thiruvallur District.
 2. The District Revenue Officer,
Thiruvallur District.
 3. The Tahsildar,
Ambattur Taluk Office,
Ambattur, Thiruvallur District.
 4. Vanathatchi Ammal
 5. S.Visalatchi
 6. R.Vijaya
 7. P.Bhuvaneshwari
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorari, to call for the records of the 3rd respondent's



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impugned order dated 04.08.2014, bearing Na.Ka.No.1966/2014/C3 and quash the same.

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For Petitioners : M/s.Sathya Bama

For Respondents : Mr.A.Anandan, GA, for R1 to R3
: Mr.M.Selvaraju, for R4 to R7

ORDER

The petitioners have filed this Writ petition seeking issuance of a Writ of Certiorari to call for the records of the 3rd respondent in respect of the order dated 04.08.2014 bearing Na.Ka.No.1966/2014/C3 and quash the same.

2. The case of the petitioners is that the properties comprised in S.Nos.15/3A1, 15/3A3, 15/3B2, 14/2E, 16/3B, 16/5A, 16/6A1, 6B1, 17/1A, 6B, 18/3A, 5A, 19/1A1, 1B1, 3A and 19/4A was owned by the petitioners' father namely Late.Krishtama Naidu and the same was allotted in his favour, in the partition by way of Koorchit entered into between the petitioners' father and his brothers namely, Parthasarathy Naidu, Rajaram Naidu and Jayarama Naidu. Pursuant to the same, the petitioners' father was



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in absolute possession and enjoyment of the above said properties. While so, in the year 1986, the said Jayarama Naidu, who is none other than the husband of the 4th respondent and father of the respondents 5 to 7 obtained UDR Patta in his name in respect of the subject properties and he subsequently, filed a suit for declaration in respect of the subject properties in O.S.No.1728/97 on the file of the District Munsiff cum Judicial Magistrate, Ambattur against the petitioners and their father and the said Suit was dismissed on 24.09.2004, aggrieved by which, the said Jayarama Naidu preferred an appeal in A.S.No.47/2004 and the same was also dismissed on 20.11.2008, confirming the aforesaid decree. Thereafter, after the demise of their father, the petitioners and their mother obtained patta in Patta No.487 in their favour in respect of the subject properties and subsequently, after the demise of the petitioners' mother, the petitioners became the absolute owners of the subject properties. While so, the petitioners came to know that the private respondents have given a representation before the official respondents, seeking to cancel the patta issued in favour of the petitioners and filed a Second Appeal before this Court and also filed a Writ petition in W.P.No.13740 of 2014 and this



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Court, vide order dated 14.05.2014 disposed the above said Writ petition, directing the appellate authority to consider the representation dated 05.05.2014 filed by the private respondents treating it as an appeal and pass orders on the same within a period of six weeks, after affording opportunity to all concerned, however, contrary to the order of this Court, the 3rd respondent, who is not an appellate authority, has issued notice to the parties, conducted enquiry and passed the present order under challenge, vide proceedings bearing Na.Ka.No.1966/2014/C3 dated 04.08.2014, cancelling the patta issued in favour of the petitioners and restoring the same in favour of the said Jayarama Naidu. Challenging the same, the present Writ petition is filed.

3. Heard learned counsel on either side and perused the materials available on record.

4. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, when this Court expressed its opinion that, as against the order passed by the Tahsildar, there is an



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effective appeal remedy available before the Appellate authority / Revenue Divisional Officer, in terms of Section 12 of the Tamil Nadu Patta Passbook Act, 1983, and without exhausting the said appeal remedy, straight away approaching this Court by way of filing this Writ petition, challenging the order passed by the Tahsildar is not sustainable, the learned counsel for the petitioners fairly restricted the prayer and sought permission of this Court, to file appropriate Appeal before the Appellate authority / jurisdictional Revenue Divisional Officer, as against the order dated 19.06.2014 passed by the Tahsildar.

5. Learned counsel appearing for the respective respondents have not expressed any serious objection for the limited relief sought for by the petitioners.

6. Considering the facts and circumstances of the case, this Court, without interfering with the order under challenge, grants permission to the petitioners to file appropriate appeal before the Appellate authority / jurisdictional Revenue Divisional Officer within a period of four weeks from



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the date of receipt of a copy of this order. On receipt of such appeal, the Appellate authority shall consider the same on merits and in accordance with law and pass appropriate orders within a period of eight weeks thereafter, after affording an opportunity of personal hearing to the petitioners and the private respondents.

7. Accordingly, this Writ petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

27.07.2022

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Index : Yes/No

Speaking order : Yes/No

To:

1. The District Collector,
Thiruvallur District.
2. The District Revenue Officer,
Thiruvallur District.
3. The Tahsildar,

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Ambattur Taluk Office,
Ambattur, Thiruvallur District.



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M.DHANDAPANI, J.

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