



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24720 of 2021

and W.M.P.Nos. 26006 and 26007 of 2021

N.Madhava Rao

...Petitioner

-Vs-

1. The District Collector,
Chengalpattu District.
2. The District Revenue Officer,
Chengalpattu.
3. The Revenue Divisional Officer,
Chengalpattu.
4. The Tahsildar,
Thiruporur,
Chengalpattu District.
5. The Deputy Tahsildar,
Thiruporur,
Chengalpattu District.
6. The Village Administrative Village,
Muttukadu,
Chengalpattu District.
7. S.Nirmala Devi
8. Anusuya Devi N

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Patta No.1020 issued by the fourth respondent in favour of 7th and 8th respondent herein in respect of the property measuring about 0.11.5 ares or 29 cents in S.No.140/4B1 in Kazhipattur Village, Thiruporur Taluk, Chengalpet District and quash the same and further issue direction to the fourth respondent to restore the patta in the petitioner's name.

For Petitioner : Mr.D.Kanagasundaram

For R1 to R6 : Mr.V.Jeevagiridharan

Additional Government Pleader

For R7 : Mr.Sirish Chowdary for

M/s.T.M.Naidu and Co.



ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Patta No.1020 issued by the fourth respondent in favour of 7th and 8th respondent herein in respect of the property measuring about 0.11.5 ares or 29 cents in S.No.140/4B1 in Kazhipattur Village, Thiruporur Taluk, Chengalpet District and quash the same and further issue direction to the fourth respondent to restore the patta in the petitioner's name.

2. Heard Mr.D.Kanagasundaram, learned counsel appearing for the petitioner, Mr.V.Jeevagiridharan, learned Additional Government Pleader appearing for the respondents 1 to 6 and Mr.T.M.Naidu and Co, learned counsel appearing for the seventh respondent.

3. The petitioner challenged the joint patta issued in favour of the 7th and 8th respondents herein by the fourth respondent in respect of the property comprised in Survey No.140/4B1, ad-measuring 29 cents, situated at Kazhipattur Village, Tiruporur, Chengalpattu District. The said property was settled by the petitioner's father by the settlement deed, dated 20.07.2005, registered vide Document No. 4641 of 2005. Based on the settlement deed, the petitioner was issued patta in Patta No.106 for the subject property and all the revenue records were mutated in his favour. However, on the application submitted by the 8th respondent, the fourth respondent without even conducting any enquiry, without issuing any notice to the petitioner, sub-divided the land and issued joint patta in favour of the petitioner and the respondents 7 and 8 herein. In fact, the 7th respondent herein filed a suit for partition in C.S.No.730 of 2019 before this Court in respect of the subject property and other properties. In the schedule, the subject property is shown as 10th item. While pending the suit, the 7th respondent made an application in O.A.No.1196 of 2019 for injunction restraining the petitioner and his sons from alienating the suit properties and the same was dismissed.

4. The fourth respondent filed counter and revealed that the 8th respondent submitted a petition through online, dated 14.08.2020 to mutate the patta in the joint names of the petitioner and the respondents 7 and 8 herein, on the strength of the legal heirship certificate of their father, late Narayana Rao, issued by the fourth respondent. Therefore, the patta stood in the name of the petitioner was mutated and joint patta was granted without deleting the name of the petitioner herein. Admittedly, no enquiry was conducted before issuance of joint patta in the name of the petitioner and the respondents 7 and 8



herein. That apart, the pendency of partition suit in C.S.No.730 of 2019 was not brought to the notice of the fourth respondent.

5. Though, there is an appeal remedy as against the order passed by the fourth respondent, the fourth respondent while passing the impugned order, violated the principles of natural justice, since, the petitioner was not issued notice and no opportunity of hearing was given to the petitioner while mutation of revenue records and issuance of joint patta in respect of the subject property. That apart, the 7th respondent filed a suit for partition as against the petitioner and the 8th respondent in C.S.No.730 of 2019 and it is pending.

6. In view of the above, the impugned issuance of joint patta in favour of the petitioner and the respondents 7 and 8 herein in respect of the property measuring about 0.11.5 ares or 29 cents in S.No.140/4B1 in Kazhipattur Village, Thiruporur Taluk, Chengalpet District, is hereby quashed.

7. The fourth respondent is directed to restore the patta in the name of the petitioner, issued in favour of the petitioner and the respondents 7 and 8 herein. However, the 7th and 8th respondents are directed to approach the fourth respondent for issuance of joint patta and sub division in respect of the subject property, subject to the result of the partition suit in C.S.No.730 of 2019, before this Court.

8. In the result, this writ petition stands allowed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Chengalpattu District.
2. The District Revenue Officer,
Chengalpattu.
3. The Revenue Divisional Officer,
Chengalpattu.



4. The Tahsildar,
Thiruporur,
Chengalpattu District.

5. The Deputy Tahsildar,
Thiruporur,
Chengalpattu District.

6. The Village Administrative Village,
Muttukadu,
Chengalpattu District.

+1cc to Mr.T.N.Raja Gopalan, Advocate, S.R.No.2938

+1cc to the Government Pleader, S.R.No.3387

W.P.No.24720 of 2021
and W.M.P.Nos. 26006 and 26007 of 2021

PCH(CO)
KKV/03/02/2022