



W.P.No.32898 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.32898 of 2022
and WMP.No.32302 of 2022

1. Dasarathan
2. S.P.Nagarajan
3. T.Sankar
4. Raghupathy
5. C.Subramanian
6. Tmt.Kala Subramanian
7. K.Marudhu Pandian

... Petitioners

-Vs-

1. The District Collector,
Chennai.
2. The Revenue Divisional Officer,
Anna Salai, Guindy,
Chennai – 600 032.
3. The Revenue Tahsildar,
Taluk Office, Alandur,
Chennai – 600 016.
4. Smt.Padma
5. Manimegalai
6. Smt. Malleswari
7. Smt.Jayanthi
8. Netra
9. Madangopal

... Respondents



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Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent in impugned proceeding bearing No.2020/0103/2/174284 dated 11.11.2020 relating to patta bearing No.497 of Manapakkam, Alandur Taluk, Chennai District and quash the same by considering the representations of the petitioners dated 17.11.2020, 21.01.2021, 26.02.2021, 16.08.2021 and 26.02.2022 and consequently to restore the names of the petitioners in patta bearing No.497.

For Petitioner : Mr.S.Udayakumar

For Respondent : Mr.V.Veluchamy
Additional Government Pleader

ORDER

The prayer sought for in this writ petition is for a writ of Certiorarified mandamus, to quash the impugned proceeding bearing No.2020/0103/2/174284 dated 11.11.2020 relating to patta bearing No.497 of Manapakkam, Alandur Taluk, Chennai District passed by the third respondent by considering the representations of the petitioners dated 17.11.2020, 21.01.2021, 26.02.2021, 16.08.2021 and 26.02.2022 and consequently to restore the names of the petitioners in patta bearing No.497.



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2. In respect of larger extent of land at survey No.235 in Manapakkam Village, Alandur Taluk, Chennai District joint patta was issued in patta No.497 for 20 persons including the petitioners as well as the private respondents as these people are joint patta holders of the said larger extent of land.

3. However, the Thasildar concerned i.e., third respondent without even hearing the petitioners, who are the joint patta holders, has issued a fresh patta in some of the names in patta No.497, wherein the petitioners names have been deleted and retaining the names of the private respondents.

4. Before issuance of patta on 11.11.2020, no notice has been issued to the petitioners, no enquiry was conducted.

5. Since the said patta, which is impugned herein having been issued deleting the names of the petitioners without assigning any reason, in order to cancel the patta, the petitioners have given representations on 17.11.2020, 21.01.2021, 26.02.2021, 16.08.2021, 06.01.2022 and 26.02.2022 to the respondents. However, none of these representations



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since have yielded any desired result, the petitioners have moved the present writ petition with the aforesaid prayer.

6. Heard Mr.S.Udayakumar, learned counsel appearing for the petitioners, who would submit that, when the patta in the same patta No.497 already issued in respect of the land to and in favour of the 20 persons including the petitioners as well as the private respondents, who are the joint owners of the property to the larger extent at S.No.235 as mentioned above, the Revenue Thasildar ought not to have issued any patta deleting the names of the petitioners even without giving any notice. Therefore, the issuance of patta, which is impugned herein by the orders of the third respondent is liable to be set aside and a direction must be given to the respondents to enquire the matter and re-issue the patta after verifying the owners i.e., joint owners of the property concerned.

7. On the other hand Mr.V.Veluchamy, learned Additional Government Pleader appearing for the official respondents would submit that, if at all the petitioners also had been the joint owners of the property and in whose names also the earlier patta was issued and without any enquiry, if the present patta is issued by the third respondent, certainly



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that would be enquired and based on such enquiry, if any such rectification is required that shall be undertaken by the respondents, he contended.

8. I have considered the submission made by the learned counsel appearing for both sides and have perused the materials placed before this Court. In view of the order going to be passed in this writ petition, notice to the private respondents is hereby dispensed with.

9. Patta No.497 has already been issued by the third respondent in favour of 20 persons including the petitioners for survey number 235 at various sub-divisions 235/2B1, 235/3B and 235/4B etc. for the total extent.

10. Therefore, all these petitioners as well as the private respondents, are the joint owners of the property to the larger extent.

11. When that being so, if at all any request has come from any of the joint pattathars to issue a separate patta, survey has to be undertaken to the land and property after giving notice to all joint pattathars and



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thereafter only the individual patta can be issued and some of the pattathars names can be deleted.

12. Without resorting to the said method, since the present patta, which is impugned herein has been issued deleting the names of the petitioners, that too, without conducting any enquiry and without giving any notice to the petitioners, it is in violation of the principles of natural justice and for that reason alone, the impugned order can very well be interfered with by this Court.

13. Anyhow, the patta has been issued on 11.11.2020, therefore, as stated by the learned Government Pleader appearing for the respondents that the third respondent can conduct an enquiry and re-issue the revised patta including the names of the petitioners after verifying the owners of the property based on the earlier patta issued in this regard.

14. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the third respondent to conduct an enquiry on the representation given by the petitioners on various



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dates mentioned herein above and after giving notice to both the petitioners as well as the private respondents, after enquiry, a decision shall be taken as to whose names have to be included in the joint patta including the petitioners name and accordingly, a revised patta can be issued by the third respondent.

- ◆ The needful as indicated above shall be undertaken by the third respondent within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that, till such time the patta impugned dated 11.11.2020 shall be kept in abeyance.

With these directions, this writ petition is disposed of. No costs.

Connected miscellaneous petition is closed.

06.12.2022

Index : Yes/No
Internet : Yes/No
mp

R. SURESH KUMAR, J.

mp

To

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Chennai.



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2. The Revenue Divisional Officer,
Anna Salai, Guindy,
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