



WEB COPY

W.P.Nos.12813 & 10 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12813 and 10 of 2016

and

W.M.P.Nos.11213, 11214, 15758, 4 & 5 of 2016

W.P.No.12813 of 2016

and

W.M.P.Nos.11213, 11214 & 15758 of 2016

S.Jayaseelan

... Petitioner

Vs.

- 1.The District Collector,
Kancheepuram.
- 2.The District Revenue Officer,
Kancheepuram.
- 3.The Revenue Divisional Officer,
GST Road,Tambaram,
Chennai – 600 045.
- 4.The Tahsildar,
Taluk Office, Sholinganallur,
O.M.R., Chennai – 600 119.
- 5.Village Administrative Officer,
Sholinganallur,
Chennai – 600 119.



6.The Sub Registrar,
Neelangarai,
Chennai- 600 115.

7.Mrs.K.Samanthi

8.Mrs.M.Kasthuri

9.K.Pakkirisamy

10.K.Bargunan

11.K.Anand

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for records pertaining to the order of the 3rd respondent in N.K.1262/2013/A dated 12.06.2013 cancelling the patta number 2513 for Survey No.734/1A1C and quash the same as illegal and without jurisdiction, consequently direct the 4th respondent to restore the patta number 2513 for Survey no.734/1A1C in the name of the petitioner's vendor Perundevi Ammal and carry out necessary entries in the revenue records.

For petitioner	: M/s.R.Amizhdhu
For R1 to R6	: Mr.G.Krishna Raja, Additional Government Pleader.
For R7 to R11	: Mr.A.Ganesh



W.P.Nos.12813 & 10 of 2016

W.P.No.10 of 2016

and

W.M.P.Nos.4 & 5 of 2016

WEB COPY

Satish Mohan

... Petitioner

Vs.

- 1.The District Collector,
Kancheepuram.
- 2.The District Revenue Officer,
Kancheepuram.
- 3.The Revenue Divisional Officer,
GST Road, Tambaram,
- 4.The Tahsildar,
Taluk Office, Sholinganallur,
O.M.R., Chennai.
- 5.The Sub Registrar,
Neelangarai, Chennai- 600 041.
6. Parvati Ammal
7. E.S.Lingamurthy
8. S.Kuppuswamy
9. S.Saravanasamy
- 10.Ammani alias S.Sumathi
- 11.N.Preetha

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for records pertaining to the order of the 3rd respondent in Na.Ka.4333/2012/A dated 10.05.2013 cancelling the survey number 208/2C covered under patta No.1869 issued to the petitioner and quash the same as illegal and without jurisdiction, consequently direct the fourth respondent to restore the patta no.1869 for survey number 208/2C in Injambakkam Village, Sholinganallur Village, Kancheepuram District, to the petitioner.

For petitioner	: M/s.R.Amizhdhu
For R1 to R5	: Mr.G.Krishna Raja, Additional Government Pleader.
For R6 to R11	: No Appearance

COMMON ORDER

The orders impugned dated 12.06.2013 and 10.05.2013 issued by the Revenue Divisional Officer, Tambaram, regarding grant of Patta in favour of the contesting respondents is under challenge in the present writ petitions.

2. The learned Counsel for the petitioners mainly contended that no notice or opportunity was afforded to the writ petitioners to defend their case in the Patta proceedings conducted under the provisions of the Tamil Nadu



Patta Passbook Act 1983. Even the copy of the order has not been communicated to the petitioners which caused infringement of the property right of the petitioners.

3. Any revenue proceedings initiated under the provisions of the Patta Passbook Act, 1983, is to be considered by affording opportunity to all the parties who all are holding interest over the subject property. In the present case, the petitioners were deprived of their rights on account of their non-participation in the enquiry proceedings. Since, the Principles of Natural Justice has been violated, the cases are to be remanded back to the Revenue Divisional Officer for the purpose of conducting fresh enquiry.

4. Accordingly, the impugned orders passed by the 3rd respondent in proceedings No. N.K.1262/2013/A dated 12.06.2013 and Na.Ka.4333/2012/A dated 10.05.2013 are quashed and the matter is remanded back to the 3rd respondent for the purpose of conducting fresh enquiry by affording an opportunity to all the parties and on merits and in accordance with law. The said exercise is directed to be completed as expeditiously as possible.



W.P.Nos.12813 & 10 of 2

5. With these directions, the Writ Petitions stand **allowed**. No costs.

Consequently, connected miscellaneous petitions are closed.

08.09.2023

Index: Yes

Speaking order

Neutral Citation: Yes

veda/sha

To

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Kancheepuram.
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Kancheepuram.
3. The Revenue Divisional Officer,
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Chennai – 600 045.
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6. The Sub Registrar,
Neelangarai, Chennai- 600 115.



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S.M.SUBRAMANIAM, J.

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