



WEB COPY

W.P.No.17467 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17467 of 2023

and

W.M.P.Nos.16614 and 16616 of 2023

Dr.S.Baskar

... Petitioner

Vs.

- 1.The Collector,
Krishnagiri Collector Office,
Collector Office Road,
Tamil Nadu – 635 115.
- 2.Superintendent of Police,
Office of Superintendent of Police,
Krishnagiri District,
Krishnagiri – 635 001.
- 3.Deputy Superintendent of Police,
592D, Gnadhi Road, Anna Nagar,
Papparapatti, Krishnagiri – 635 001.
- 4.Inspector of Police,
Barur Police Station,
Krishnagiri District.
- 5.The Revenue Divisional Officer,
Revenue Division Office,
Bangalore Road, Veerappa Nagar,
Krishnagiri, Tamil Nadu – 635 001.



6.The Tahsildar,
Taluk Office Pochampalli,
Pochampalli,
Tamil Nadu – 635 206.

7.Zonal Deputy Tahsildar,
Taluk Officer Pochampalli,
Pochampalli,
Tamil Nadu – 635 206.

8.S.Ranjith Kumar,

9.M.Sivakumar

10.M.Mani

1.D.Yuva Karthika

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 7th respondent pertaining to the order dated 23.11.2022 vide TR/ 2022/ 0103 /31/245380TR granting patta to the 8th respondent and the consequential order dated 09.01.2023 in TR/ 2023 /0103/ 31/ 253903TR granting patta to Respondents 9 to 11 and quash the same as illegal and contrary to provisions of Tamil Nadu patta Passbook 1983, and consequently direct the 5th respondent herein to forthwith cancel the patta Nos. 1496 and 1513 granted to the 8th respondent and patta No. 1514 granted to the Respondents 9 to 11.



For Petitioner : Mr.J.Ravikumar
For R1 to R7 : Mr.T.Arunkumar,
Additional Government Pleader
For R9 : M/s.S.P.Arthi

ORDER

The impugned order passed by the 7th respondent in the name of the respondents 8 to 11 is under challenge in the present Writ Petition.

2. The petitioner states that he is the absolute owner of the subject property described in the present Writ Petition. Patta was granted in the name of the petitioner. Based on the applications submitted by the respondents 8 to 11, the Tahsildar had unilaterally cancelled the patta stood in the name of the petitioner without affording any opportunity to the writ petitioner. Such unilateral cancellation of patta or grant of patta in favour of the respondents 8 to 11 is in violation of the principles of natural justice and further in violation of the provisions of the Tamil Nadu Patta Passbook Act, 1983.



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3. In any patta proceeding, all the persons holding interest or aggrieved must be provided with an opportunity to defend their case. In the present case, the Tahsildar has conducted an unilateral enquiry and granted patta in favour of the respondents 8 to 11.

4. This being the factum, the matter is to be remitted back for fresh adjudication and to afford opportunities to all the parties.

5. Accordingly, the impugned orders dated 23.11.2022 in TR/ 2022/ 0103 /31/245380TR and 09.01.2023 in TR/ 2023 /0103/ 31/ 253903TR are quashed and the matter is remanded back to the 7th respondent for the purpose of conducting an enquiry and accordingly, the 7th respondent is directed to issue summons to all the parties and conduct an enquiry by affording opportunity to the parties and pass appropriate orders on merits and in accordance with law as expeditiously as possible.



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6. With these directions, the Writ Petition stands allowed.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

22.08.2023

skr

Index : Yes

Speaking order

To

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- 5.The Revenue Divisional Officer,



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Revenue Division Office,
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6.The Tahsildar,
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S.M.SUBRAMANIAM, J.

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