



WEB COPY

WP No.22108 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.22108 of 2014

And

MP Nos.1 and 2 of 2014

S.Francis Royan

... Petitioner

Vs.

1.The District Collector,
Chennai.

2.The Revenue Tahsildar cum Tahsildar for
Natham Scheme,
Mambalam-Guindy Taluk,
Chennai-600 078.

3.D.Dhanapal

4.D.Bhaskaran

5.D.Somasundaram

6.S.Sakti Saravanan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for



issuance of a Writ of Certiorarified Mandamus, calling for the records of proceedings of the second respondent dated 28.06.2013 and quash the same and consequently remove the name of the third to sixth respondents.

For Petitioner : Mr.L.Chandrakumar

For Respondents-1 and 2: Mr.Abishekmurthy,
Government Advocate.

ORDER

The writ on hand has been instituted to quash the proceedings dated 28.06.2013 issued by the second respondent granting patta in favour of the erstwhile owner, who has sold his property. The flat owners and residential-association submitted a representation to the District Collector to cancel the patta granted erroneously in favour of the erstwhile land owner of the property.

2. The learned counsel appearing on behalf of the petitioner made a submission that the subject property was sold by the erstwhile owner in the year 1996 and the builder promoted the flats in the subject property and many flat owners are in occupation of their respective flats.



3. The learned Government Advocate appearing on behalf of the respondents 1 and 2 brought to the notice of this Court that the petitioner as well as the erstwhile owners encroached upon the Natham Poramboke lands, which belongs to the Government.

4. In respect of encroachments, the first respondent-District Collector has to conduct an inspection with reference to the revenue records and initiate appropriate action.

5. As far as the property belonging to the flat owners are concerned, the Competent Authority cannot issue patta in favour of the erstwhile owner, who had already sold the property to one of the flat owners.

6. As far as the allegation of encroachment is concerned, as raised by the learned Government Advocate appearing on behalf of the respondents 1 and 2, the first respondent-District Collector has to look into the matter.



7. Regarding the cancellation of patta, the petitioner is at liberty to approach the Revenue Divisional Officer having jurisdiction and in the event of submitting any such application, the Revenue Divisional Officer has to follow the procedures as contemplated under the Patta Pass Book Act, 1983 by affording an opportunity to all the parties concerned and thereafter pass appropriate orders on merits and in accordance with law.

8. Accordingly, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

25-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To



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S.M.SUBRAMANIAM, J.

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