



W.P.No.33622 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33622 of 2022
and
W.M.P.No.33078 of 2022

B.Rasheetha

...Petitioner

Vs

1.The Director of Survey and Land Settlements,
PWD Estate, Chepauk, Triplicane,
Chennai, Tamil Nadu – 600 005.

2.The Settlement Officer,
Office of the Settlement Officer,
Chepauk, Chennai – 600 005.

3.The Assistant Settlement Officer [North],
Commissionerate of Survey and Settlement,
Chennai – 600 005.

4.The Special Tahsildar,
Town Settlement,
Alandur, Chennai – 600 016.

5.C.Jenagarajan

...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, calling for the order and records of the Settlement Officer [Land and Survey], Chepauk, Chennai-600005 in Na.Ka.No.E4/4772/2021 dated 24.11.2022 and confirming the order of the Assistant Settlement Officer, Chepauk, Chennai-600005 cancelling the patta issued in favour of the petitioner by the Special Tahsildar, Town Settlement, Alandur vide petition No.913/2015 on 09.09.2021 and quash the same and further direction to the respondents 2 and 3 to restore the patta in faovur of the petitioner and not to cancel in the relevant TSLR of the 4th respondent as per the report in Na.Ka.No.A1/004/2020 dated 08.12.2020 by the 4th respondent and dispose the writ petition within the stipulated period of time.

For Petitioner	:	No appearance
For R1 to R4	:	Mr.E.Sundaram Government Advocate
For R5	:	Mr.A.Palaniappan

ORDER

The order impugned dated 24.11.2022 passed by the Settlement Officer is under challenge in the present writ petition.



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2.Patta granted in favour of the writ petitioner was cancelled after conducting an enquiry by the Settlement Officer.

3.The learned counsel appearing on behalf of the 5th respondent made a submission that there was no basis for registering the document in favour of the writ petitioner and therefore, the decision taken by the Settlement Officer is in consonance with the principles.

4.The order impugned reveals that an appeal provision is contemplated and the learned Government Advocate appearing on behalf of the official respondents brought to the notice of this Court that the writ petitioner has already filed an appeal and an enquiry is scheduled to be conducted on 20.09.2023 at 3.30 p.m.

5.When the petitioner preferred an appeal and the Appellate Authority has also fixed the date of enquiry for the purpose of conducting an enquiry and to pass orders on merits, the present writ petition is unnecessary and this Court need not consider the merits at this point of time.



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WEB COPY 6. Accordingly, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

20.09.2023

cse

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No



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To

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S.M.SUBRAMANIAM, J.

cse

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