



WEB COPY



W.P.No.111509 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25..06..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.11509 of 2024

and

W.M.P.Nos.12616 & 12617 of 2024

J.Gopinathan

..... Petitioner

-Versus-

1.The Chief Secretary to Government of Tamil Nadu,  
Secretariat,  
Fort St. George,  
Chennai 600 009.

2.The District Collector,  
Chennai District.  
Chennai.

3.The Commissioner of Land Reforms and Land Administration,  
Chennai 600 005.

4.The Tahsildar,  
Ayanavaram Taluk,  
Chennai 600 011.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned proceedings of the 4<sup>th</sup> respondent herein in No.A1/3737/2022 dated 23.12.2022 and to quash the same and consequently direct the 3<sup>rd</sup> respondent to pass order



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as per the order of this court dated 07.04.1999 made in W.P.No.17396 of 1990 for grant of patta in favour of the petitioner.

*For Petitioner : Mr.E.Sathiyaraj for  
Mr.MG.Pachiyapphen*  
*For Respondent (s) : Mr.P.Sathish,  
Addl. Government Pleader for  
RR1 to 4*

### **ORDER**

This writ petition has been filed challenging the proceedings of the 4<sup>th</sup> respondent herein in No.A1/3737/2022 dated 23.12.2022 rejecting the request of the petitioner for grant of patta in respect of the land in T.S.Nos.12/2, 27/1 and 27/2 in Block No.2 of Ayanavaram village.

2. According to the petitioner his grandmother-Chinnammal was the owner of the subject lands. His father along with his three other brothers obtained patta before the Court of the Assistant Settlement Officer, Chengalpattu on 30.09.1971. The said patta was however cancelled by the 3<sup>rd</sup> respondent by his proceedings dated 28.06.1990. Aggrieved by the cancellation of patta, his father along with his brothers and sisters filed a writ petition in W.P.No.17395 of 1990 challenging the order cancelling patta. This court by order dated 07.04.1999 remitted the matter for fresh consideration. Thereafter, the father of the petitioner died on 19.10.2021 and the brothers and sisters of



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the father of the petitioner also passed away subsequently. The petitioner thereafter submitted a detailed representation dated 20.08.2020 for patta. That was not considered. Therefore, the petitioner filed a writ petition No.1634 of 2021 seeking a direction to the authorities concerned to consider the representation for issuance of patta. The said writ petition was disposed of by order dated 17.02.2021 with a direction to the 4<sup>th</sup> respondent to issue notice to all the parties who are likely to be affected by his decision and to pass appropriate orders after providing the parties a fair and effective hearing within a period of eight weeks from the date of receipt of copy of the order. Thereafter, the impugned order came to be passed rejecting the request of the petitioner for issuance of patta. It is this order which is now under challenge in this writ petition.

3. Heard both sides.

4. This court, earlier by order dated 17.02.2021 in W.P.No.1634 of 2021 specifically directed the 4<sup>th</sup> respondent Tahsildar to provide the parties a fair and effective hearing and consider and dispose of the representation of the petitioner through a speaking order within eight weeks from the date of receipt of a copy of the order. However, no such opportunity was given to the petitioner and the orders impugned in the writ petition seems to have been passed mechanically.



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5. The learned Additional Government Pleader would, however, on instructions submit that in the event this court sets aside the impugned order the 3<sup>rd</sup> respondent would pass appropriate orders in the matter after giving opportunity of hearing to the petitioner and the other interested persons, if any.

6. In the light of the above factual position and the submissions made on either side, the order impugned in the writ petition stands quashed. The 3<sup>rd</sup> respondent is directed to issue notice to all the parties who are likely to be affected by his decision and after providing the parties a fair and effective hearing and dispose of the representation of the petitioner dated 20.08.2020 for issuance of patta through a speaking order on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

This writ petition is allowed with the above directions. No costs. Consequently, connected WMPs are closed.

Index : yes / no  
Neutral Citation : yes / no  
Speaking / Non Speaking Order  
kmk

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