



WEB COPY



W.P.No.10739 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.10739 of 2024

and

W.M.P.Nos.11822 & 11823 of 2024

1.B.Ganapathy

2.S.Mohandass Gandhi

..... Petitioners

-Versus-

1.The Tahsildar,
Thiruporur Taluk,
Chengalpattu,
Kancheepuram 603 110.

2.Shanmugam

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records leading to the order dated 01.12.2017 in proceedings bearing No.Mu.Mu.123/2017/A2 passed by the 1st respondent and to quash the same and consequently, direct the 1st respondent to restore the name of the petitioners in the patta in respect of the property more fully described in the schedule to the writ petition.

For Petitioner(s) : Mr.B.Arvind Srevatsa

*For Respondent (s) : Mr.P.Sathish,
Special Government Pleader for
R1*



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For Petitioner(s) : Mr.B.Arvind Srevatsa

Mr.R.Bharathkumar for R2

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent in No.Mu.Mu.123/2017/A2 dated 01.12.2017 cancelling the patta in the name of the petitioners and effecting mutation in the revenue records in the name of the 2nd respondent in respect of land in S.No.74/1 of Salavakuppam village, Chengalpattu Taluk and seeking a consequential direction to restore the patta in the name of the petitioners.

2. The case of the petitioners is that they are the absolute owners of the land measuring an extent of 1.29 cents comprised in New S.No.160/21 (old S.No.74/2) situated at Salavankuppam village by virtue of purchase through sale deeds dated 04.12.2007 and 12.08.2008 registered on the file of the Sub Registrar, Thiruporur. They were given patta in respect of the said land. However, on the basis of the complaint dated 09.12.2016 the impugned order came to be passed in 2017 without affording any opportunity to them.

3. Heard both sides.

4. The patta which was standing in the name of the petitioners was cancelled by the impugned order behind the back of the petitioners based on the inquiry conducted by the 1st respondent on the complaint given by the 2nd



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respondent alleging tampering of revenue records. Before cancelling the patta stood in the name of the petitioners, admittedly, no notice whatsoever was given to the petitioners. The petitioners ought to have been given an opportunity of hearing before cancelling the patta.

5. Having regard to the fact that the order impugned in the writ petition came to be passed without hearing the interested parties, this court will have no hesitation to hold that the order impugned in the writ petition is not sustainable in law.

6. In the light of the above, the impugned order is set aside and the matter is remitted to the 1st respondent for fresh consideration. The 1st respondent shall issue notice to both the petitioners and the 2nd respondent and pass appropriate after giving an opportunity of hearing to the petitioners. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

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

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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N.SATHISH KUMAR.J.,

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