



W.P.No.33002 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 09.07.2024

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.13481 of 2019 and
W.M.P.No.13585 of 2019

P.K.Uduman Mohideen

Vs.

... Petitioner

- 1 The Secretary to Government of Tamil Nadu,
Revenue and D.M. (ULC-I(1)) Department,
Secretariat, Fort St. George
Chennai 600 009.
- 2 The Principal Secretary /
Commissioner of Urban Land
Ceiling and Urban Land Tax,
Chepauk Chennai 600 005.
- 3 The District Collector
Collectorate at Kancheepuram,
Kancheepuram District.
- 4 The Tahsildar,
Pallavaram Taluk Office,
Pallavaram, Chennai 600 043.
- 5 A.S.Baskaran
- 6 Sasikara
- 7 Nasira Anjum
- 8 Muneer Ahmed



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- 9 Zarina Parveen
- 10 Zaghidha Parveen
- 11 Shahida Parveen
- 12 Yasmeen Sulthana
- 13 Zeenath Parven
- 14 Irshad Ahmed
- 15 Nageena Bathool
- 16 Aiyasha Siddiqa
- 17 Faiz Ahmed
- 18 Shadab Ahmed
- 19 Hafisa Nazneen
- 20 Madeeha Farheen

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th respondent to cancel patta bearing Nos.8136 and 106540 granted in favour of the private respondents 5 to 20 with respect to petitioners land comprised in S. No. 187/1A1B over an extent of 2 grounds 1176 sq.ft. and in S. No. 187/1A1A2 over an extent of 9 grounds 840 sq.ft. in total 11 ground 2016 sq.ft. in Nagalkeni Pammal Village, Pallavaram Taluk, Kancheepuram District and grant patta in favour of the petitioner.

For Petitioner : Mr.M.Muthappan

For Respondents

For R1 to R4 : Mrs.R.L.Karthika,
Government Advocate

For R5 to R20 : Mr.K.Sukumaran



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ORDER

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2. The case of the petitioner is that on 08.01.1982, the petitioner's predecessor in title had purchased 11 grounds 2016 sq.ft by four sale deeds each 1/4 undivided shares. He sold the same to the original vendor by way of eight sale deed each 1/8th undivided share in the year 1998. Thereafter, during the year 2007, the legal heirs of original vendor sold a portion of land to various persons. Challenging the same, the legal heirs of the original owner filed a Writ Petition in W.P.No.27949 of 2005 and the same was allowed. In this circumstance, the petitioner purchased 11 grounds 2016 sq.ft on 10.05.2010 by way of two sale deeds. Thereafter, the



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Tahsildar initiated proceedings on 04.10.2010 to grant patta in favour of the respondents 4 and 5 with respect to petitioner's lands without notice to the petitioner as well as his vendor. In fact, the patta was also granted in favour of his vendor. Subsequently, without notice, the name of the subsequent purchasers / respondents 5 and 6 were included without notice. Challenging the same, the petitioner's vendor filed a Writ petition and the same was allowed stating that without notice to the existing patta holder, including the subsequent purchasers name shall not be a correct one and in view of Section 6 of the Tamil Nadu Patta Pass Book Act, the pending civil suit entry in the revenue records either put in favour of petitioner or against any of the parties. But in spite of all, the subsequent purchasers from the legal heirs of the original owner had taken advantage of G.O. issued, directing the Urban Land Ceiling Authority to comply the order of the High Court in the Writ Petition filed by the legal heirs of the original owners to change the revenue records for the lands acquired by the Urban land Ceiling Authority and mutilated the revenue records and changed the revenue record and obtained patta with respect to petitioner's land. Hence, this Writ petition.



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3. Heard Mr.M.Muthappan, learned counsel for the petitioner and Mrs.R.L.Karthika, learned Government Advocate appearing for the Respondents 1 to 4 and Mr.K.Sukumaran, learned counsel appearing for Respondents 5 to 20 and perused the materials on record.

4. When the matter is taken up for hearing, Mrs.R.L.Karthika, learned Government Advocate appearing for the Respondents 1 to 4 submitted that the enquiry in respect of petition mentioned property is scheduled to be held on 11.07.2024 at 11.a.m in the 4th Respondent/Tahsildar office, Pallavaram Taluk, Chennai. She also filed a proceedings issued in Na.Ka.No.2635/2024/Aa1, dated 01.07.2024 issued by the 4th Respondent to that effect.

5. In this circumstances, the 4th Respondent / the Tahsildar, Pallavaram Taluk, Chennai is directed to issue notice to both the parties and conduct a detailed enquiry by affording an opportunity of personal hearing to both parties and consider the documents filed by the petitioner a



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well as the respondents 5 to 20 and pass appropriate orders on merits and in accordance with law by following the principles of natural justice, within a period of three months from the date of receipt of a copy of this order.

6. With the above observations and directions, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed.

09.07.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
vum



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