



WP.No.15068 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

**W.P.No.15068 of 2024 &
WMP.Nos.16376 &16377 of 2024**

G.Prakash

.. Petitioner

Versus

1. The Sub Collector/Revenue Divisional Officer,
Hosur, Krishnagiri District.

2. The Tahsildar,
Hosur, Krishnagiri District.

3. Sungamma

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent pertaining to vide Na.Ka.No.2097/2022/B, dated 22.06.2023 and quash the same, consequently direct the first and second respondents to restore the patta in the name of the petitioner.

For Petitioner : Mr.V.Sundarraman

For Respondents : Mr.P.Sathish
Additional Government Pleader – R1 & R2

Mr.M.Mohamed Riyaz – R3



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ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is filed to quash impugned Order of the first respondent in Na.Ka.No.2097/2022/B, dated 22.06.2023 and consequently direct the first and second respondents to restore the patta in the name of the petitioner.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first and second respondents and the learned counsel appearing for the third respondent and perused the materials available on record.

4. Though several grounds have been raised in the Writ Petition, the main ground urged before this Court is that in an earlier Writ Petition filed by the respondent in W.P.No.14245 of 2022, this Court specifically directed the first respondent to transfer the files to the second respondent to enable him to pass appropriate Orders in terms of Section 10 of the Tamilnadu Pass Book Act,



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1983. Pursuant to such direction, the Tahsildar also issued summons on 12.06.2023 and when the proceedings are pending before the second respondent, the first respondent has passed the impugned Order dated 22.06.2023. According to the petitioner, when the proceedings is pending before the second respondent, the impugned Order which has been passed without hearing the petitioner cannot be sustained in the eye of law.

5. Though the third respondent filed a counter stating that the impugned Order has been passed based on the records, he has not disputed the direction of this Court in the Writ Petition filed by third respondent.

6. When the proceedings are pending before the second respondent, the first respondent without giving opportunity, whatsoever, to the petitioner, has passed the impugned Order. It is also made it to appear as if summons were served on the petitioner on 26.02.2023. But the fact remains that only the Tahsildar, viz., the second respondent has issued summons in the proceedings in 941 of 2023/A2 dated 12.06.2023.

7. In such view of the matter, the impugned Order dated 22.06.2023 of the first respondent stands quashed and the matter is



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remitted to the second respondent and the second respondent shall conduct enquiry afresh, issue summons to the parties and let the parties file documents and after considering the documents pass an Order in terms of Section 10 of Pass Book Act. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this Order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11.07.2024

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

1. The Sub Collector/Revenue Divisional Officer,
Hosur, Krishnagiri District.
2. The Tahsildar,
Hosur, Krishnagiri District.



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N. SATHISH KUMAR, J.

vrc

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