



WEB COPY



WP.No.17368 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.17368 of 2023
and W.M.P.No.19136 of 2024

Jaganathan

.. Petitioner

Versus

1.The District Collector
Kanchipuram District

2.The Zonal Deputy Tahsildar
Kanchipuram Taluk
Kanchipuram District

3.Thiruvengadam

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in online Application Number 2024/N103/03/001061 dated 27.03.2024 on the file of the 2nd Respondents herein and quash the same and consequently direct the 2nd Respondent to grant patta in petitioner name.

For Petitioner : Mr.S.Tamilselvan

For Respondents : Mr.A.Selvendran for R1 & R2
Special Government Pleader



WP.No.17368 of 2024

ORDER

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2. It is the case of the writ petitioner that petitioner's father is the absolute owner of the property had settled the said property to the petitioner on 01.09.2004 by registered document in Doc.No.634/2004. The petitioner has built up a dwelling house. The petitioner's father had also purchased the adjacent property in New Survey No.595/2, Old Survey No.109/21, Thiruppukuzhi Village, Kanchipuram Taluk and District, however, now patta has been issued in favour of the third respondent by mistake. Therefore, the petitioner has applied for patta transfer, however, the impugned order is passed without following due process of law.

3. The learned Special Government Pleader fairly submitted that order has been passed without conducting enquiry and hearing the petitioner.



WP.No.17368 of 2024

4. Prima facie, it appears that the impugned order is passed in violation of principle of natural justice, thus, this Court is of the view that no counter is required.

5. Since no adverse order is passed against the third respondent, notice to the third respondent is dispensed with. Heard both sides and perused the materials placed on record. By consent of both parties, this writ petition is taken up for final disposal.

6. Any order which has civil consequence must be passed after conducting proper enquiry and hearing the parties, if the same is passed without enquiry and hearing the parties that order has to suffer on the ground of violation of the principle of natural justice. Such view of the matter, the impugned stands quashed.

7. Accordingly, the second respondent is directed to conduct a fresh enquiry and give an opportunity of hearing to the petitioner, the third respondent and also the person whose name originally the patta stand and give them the opportunity to put forth their case and pass a detailed orders on merits and in accordance with law.



WEB COPY



WP.No.17368 of 2024

N. SATHISH KUMAR, J.

8. Accordingly, this writ petition stands disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

04.07.2024

dhk
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To

1.The District Collector
Kanchipuram District

2.The Zonal Deputy Tahsildar
Kanchipuram Taluk
Kanchipuram District

W.P.No.17368 of 2024