



W.P. No.21719 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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Prof.Dr.M.R.Vasanthan

... Petitioner

Vs

1.The District Collector
Chengalpattu District
Chengalpattu

2.Revenue Division Officer
Tambaram

3.Tahsildar
Tambaram Taluk
Tambaram

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certified Mandamus to call for the entire records of the 3rd respondent herein which culminated in the impugned proceedings in Na.Ka. No.5217/2022/B2 dated 03.11.2022, quash the same as arbitrary and illegal and further direct the respondents to issue an extract from the Town Survey Land Register for the land in S.F. No.39/1 measuring an extent of 0.40.11 Hec. (New T.S. No.1, Block No.32, Ward-1, Selaiyur/Old S. No.334/2A5) as Ryotwari land belonged to petitioner's mother - Kamala



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Rathinam and further direct the respondents to issue an extract from the Town Survey Land Register for the remaining 1.10 Ground (269 Sq.Mts.) for the land comprised in Old S. No.334/2A5 and 334/2C3 in the name of the petitioner.

For Petitioner : Mr.V.P.Sengottuvel, Senior Counsel
for Mr.K.R.Nishanth

For Respondent : Mr.P.Sathish
Addl. Govt. Pleader for R1 to R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent in Na.Ka. No.5217/2022/B2 dated 03.11.2022, quash the same as arbitrary and illegal and further direct the respondents to issue an extract from the Town Survey Land Register for the land in S.F. No.39/1 measuring an extent of 0.40.11 Hec. (New T.S. No.1, Block No.32, Ward-1, Selaiyur/Old S. No.334/2A5) as Ryotwari land belonged to petitioner's mother - Kamala Rathinam and further direct the respondents to issue an extract from the Town Survey Land Register for the remaining 1.10 Ground (269 Sq.Mts.) of the land comprised in Old S. No.334/2A5 and 334/2C3 in the name of the petitioner.



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2. It is the case of the writ petitioner that the lands of an extent of 5.11 Acres comprised in survey No.334 situated in Selaiyur village, Saidapet Taluk, Chengalpattu District originally belonged to petitioner's maternal grandmother K.Kanaga Rathinammal and revenue records also mutated in her name. After her death, petitioner's mother became entitled to the property. The petitioner's mother executed a settlement deed in favour of the petitioner on 21.05.2013. Mutation also effected in favour of the petitioner. However, while mutation, 1.10 ground of land has been omitted. In this regard, the petitioner has made a representation. Now orders have been passed to the effect that an extent of 4011 Sq.Mts. is shown as Government poramboke land. Learned counsel appearing for the petitioner submitted that the orders have been passed without giving an opportunity or notice whatsoever to the petitioner and the documents were also not perused.

3. The learned Additional Government Pleader appearing for the respondents would submit that they will give a proper opportunity of being heard to the petitioner and the petitioner can produce all the relevant documents with regard to the subject property.



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4. The impugned order indicates that proper opportunity was not given to the petitioner to produce the documents which are in his possession to prove his contention with regard to the subject property. As the order suffers from violation of principles of natural justice, the same cannot be sustained in the eye of law. Accordingly, the same is set aside and the matter is remitted back to the third respondent, to issue a notice to the petitioner and give him proper opportunity for production of documents within a period of two weeks from the date of receipt of a copy of this order and thereafter pass an order on merits within a period of one month.

5. With the above direction, the writ petition is allowed. No costs.

31.07.2024

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The District Collector
Chengalpattu District
Chengalpattu

2.Revenue Division Officer
Tambaram



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3. Tahsildar
Tambaram Taluk
Tambaram

4. The Government Pleader
High Court, Madras

N.SATHISH KUMAR, J.



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