



W.P.No.25508 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.25508 of 2021

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W.M.P.Nos. 26938 & 26939 of 2021

M/s.AVRN Hotels Private Limited
Represented by its chairman and Managing Director
Mr. A.Vijayaraghavan
12, Jawaharlal Nehru Road
Arumbakkam Chennai 106

...Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu
Revenue Department,
Fort St. George
Secretariat,
Chennai 09

2.The District Collector
Kancheepuram District,
Kancheepuram.

3.The Tahsildar
Sriperumbudur Taluk,
Kancheepuram District.



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4.The Sub Registrar
Sriperumbudur Taluk
Kancheepuram District.

5.The District Revenue Officer,
Kancheepuram.

...Respondents

(R5 suo motu impleaded by orders of this Court dated 19.12.2024)

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd Respondent herein in (i) Na.Ka.No. 1003/2021/B2-6 dated 20.04.2021, pertaining to S.No.318/11-0.36 acre (ii) Na.Ka.No.1003/2021/B2-7 dated 20.04.2021, pertaining to S.No.318/14 - 0.60 acre, (iii) Na.Ka.No.1003/2021/B2-8 dated 20.04.2021, pertaining to S.No.318/15-0.18 acre and quash the same and consequently direct the 4th respondent herein to remove the encumbrance in respect of the above said properties of the petitioner entered vide Document No.13 of 2021 dated 06.07.2021 made pursuant to the said proceedings of the 3rd respondent herein vide Na.Ka.No.688/2021/B1 dated 30.06.2021.

(PRAYER AMENDED AS PER ORDER DATED 22.07.2024 IN WMP.1002/2024 IN WP.25508/2021)



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For Petitioner : Mr. Mohan
Senior Counsel
For M.Santhanaraman

For Respondents : Mr. A.Selvendran
Special Government Pleader.

ORDER

It is the grievance of the petitioner that the impugned order has been passed without issuing prior notice to the petitioner.

2. Considering the fact that impugned order has been passed without notice to the parties the same is quashed.

3. It is informed that the authority concerned to entertain the issue is the District Revenue Officer, Kancheepuram. Since the District Revenue Officer, Kancheepuram, is not a party in this Writ Petition, this Court suo motu impleads *the District Revenue Officer, Kancheepuram*, as the 5th respondent in the Writ Petition.



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4. Mr. A.Selvendran, Special Government Pleader takes notice for the 5th respondent.

5. The matter is remitted back to the 5th respondent / District Revenue Officer, Kancheepuram, for a fresh consideration. The 5th respondent shall issue notice to the petitioner and all the interested parties and hear them and pass orders on merits. It is open to the petitioner to raise all the issues including the jurisdiction, laches and all other defenses before the 5th respondent. The said exercise shall be completed within a period of 6 months, from the date of receipt of a copy of this order.

6. The Writ Petition is allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

19.12.2024

Index : Yes/No
Internet : Yes/No
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