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W.P.No.26292 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26292 of 2024
and
W.M.P.No.28718 of 2024

V.Sridhar

... Petitioner

vs.

- 1.The District Collector,
First Floor, Collectorate,
Kancheepuram – 631 501.
- 2.The District Revenue Officer,
Vandavasi Salai, Inside Collectorate Office,
Kancheeuram – 631 501
- 3.The Tahsildhar,
Railway Road, Near General Hospital,
Thiruveedhi Pallam, Kancheepuram – 631 501
- 4.The Deputy Tahsildhar,
Railway Road, Near General Hospital,
Thiruveedhi Pallam, Kancheepuram – 631 501.
- 5.The Sub-Registrar,
Joint 4, Kancheepuram,
Kancheepuram – 631 501.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



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India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th Respondent pertaining to the Impugned Proceedings in T.R. : 2024/0103/03/339985TR dated 05.08.2024 and quash the same and consequently restore it back to original status.

For Petitioner : Mr.E.Manoharan

For Respondents : Mr.D.Gopal
Government Advocate

ORDER

Aggrieved by the order dated 05.08.2024 in T.R.2024/0103/03/009985TR passed by the 4th respondent deleting the name of the petitioner's father-M.Venkatesan and his paternal uncle M.Radhakrishnan in the revenue records pertains to the land in S.No.1/3A situated in Arapanancheri Village, Kancheepuram Taluk and District, the petitioner has come by way of this writ petition.

2. According to the petitioner, the revenue records in respect of above mentioned land originally stood in the name of petitioner's father-M.Venkatesan and his paternal uncle-M.Radhakrishnan as seen from the



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documents enclosed in the typed-set of papers. The 4th respondent herein without issuing notice to the petitioner passed impugned order deleting the name of the petitioner's father and his paternal uncle, original pattadars and included the name of one Sundararajan son of Chinna Kulanthai in the revenue records in respect of the above mentioned property. Challenging the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner by taking this Court to the impugned order, submitted that the order was passed by the 4th respondent in response to the application filed by one Santha dated 30.07.2024 and the report of the Village Administrative Officer dated 31.07.2024. The impugned order came to be passed on 05.08.2024 within five days from the date of presentation of the application by the said Santha without issuing any notice or conducting enquiry. The 4th respondent is not entitled to delete the name of pattadars without hearing the legal heirs of M.Venkatesan, who passed away and other pattadar-Radhakrishnan. The order impugned in this writ petition is vitiated by violation of natural justice principles.

4. It is also brought to the notice of this Court subsequent to the filing



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of the writ petition, based on the application filed by petitioner's paternal uncle-Radhakrishnan dated 08.08.2024, the 3rd respondent herein issued a notice to the petitioner and Santha, wife of said Sundararajan and other interested parties for conducting an enquiry with regard to the impugned order passed by the 4th respondent. In view of the same, this Court is inclined to set aside the impugned order, which was passed by the 4th respondent without hearing the petitioner and other interested parties. Accordingly, the impugned order in T.R.2024/0103/03/009985TR, dated 05.08.2024 passed by the 4th respondent is set aside.

5. The petitioner is directed to appear before the 3rd respondent for enquiry in response to the notice issued by the 3rd respondent in Na.Ka.No.1196/2024/A2, dated 30.08.2024. The 3rd respondent shall issue notice to the other interested parties also and complete enquiry and pass final orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands allowed. No



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costs. Consequently, the connected writ miscellaneous petition is closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

Note: Issue order copy on 11.09.2024.

To

1. The District Collector,
First Floor, Collectorate,
Kancheepuram – 631 501.
2. The District Revenue Officer,
Vandavasi Salai, Inside Collectorate Office,
Kancheepuram – 631 501
3. The Tahsildhar,
Railway Road, Near General Hospital,
Thiruveedhi Pallam, Kancheepuram – 631 501
4. The Deputy Tahsildhar,
Railway Road, Near General Hospital,
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5. The Sub-Registrar,
Joint 4, Kancheepuram,
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and
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This matter has been posted under the caption 'For Being Mentioned' at the instance of learned counsel for the petitioner.

2. It is brought to the notice of this Court that the impugned proceedings number is wrongly mentioned as T.R.2024/0103/03/009985TR instead of T.R.2024/0103/03/339985TR in Paragraph Nos.1 and 4 of the order.

3. The Registry is directed to print the correct number of the impugned order in Paragraph Nos.1 and 4 in the order dated 10.09.2024 as 'T.R.2024/0103/03/339985TR' instead of 'T.R.2024/0103/03/009985TR' and issue fresh order copy to the learned counsel for the petitioner.

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dm



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dm

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