



W.P.No. 35786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35786 of 2024

and

W.M.P.Nos. 38657 & 38659 of 2024

V. Shanthi

Represented by General Power of Attorney Agent,
R. Gokul Kannan

... Petitioner

Vs

1. The District Collector
Chengalpattu District
Chengalpattu
2. The Revenue Divisional Officer
Revenue Divisional Office,
Guindy, Chennai – 600 032
3. The Special Tahsildar
Land Administration, Alandur
No.15/17, Military Quarters,
Alandur, Chennai – 600 016
4. The Sub Registrar, Alandur



W.P.No. 35786 of 2024

No.15/17, Military Quarters,
Alandur, Chennai – 600 016

WEB COPY

5. B. Harikumar
6. H.Saraswathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the 3rd respondent herein in Na.Ka.No.662/2018/a dated 10.07.2018 and quash the same. Further direct the 2nd respondent to expedite the enquiry pending on petitioner's complaint dated 22.07.2023 and pass orders within a stipulated time.

For Petitioners : Mr.M.Deivanandam
For Respondents 1 to 4 : Mr.A.Selvendran
Special Government Pleader

ORDER

The above petition has been filed for the following relief:

*“To issue a writ of Certiorarified Mandamus,
to call for records pertaining to the impugned
order passed by the 3rd respondent herein in
Na.Ka.No.662/2018/a dated 10.07.2018 and quash*



WEB COPY



W.P.No. 35786 of 2024

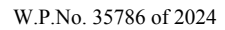
the same and consequently, direct the 2nd respondent to expedite the enquiry pending on petitioner's complaint dated 22.07.2023 and pass orders within a stipulated time.”

2. It is the case of the petitioner that she has purchased the subject property on 14.12.2009 from one Periyannayagi Aachi Udaiyappan and Muthukumar Udaiyappan. After the purchase, she was issued with the joint patta. The petitioner would submit that she has been in absolute possession and enjoyment of the property. When she visited the property with her Power Agent on 14.12.2009, one Sarasa claimed to be the owner of the subject property by showing a patta bearing No.1446/96/a1. Therefore, the petitioner had filed a complaint before the District Collector, Kancheepuram on 15.10.2011. The 1st respondent directed the Tahsildar, Alandur to enquire into the matter . On 25.10.2011, an enquiry was also conducted . The Tahsildar had submitted a detailed report to the District Revenue Officer,



Kanchipuram stating that the patta produced by the said Sarasa was a bogus one. On the basis of this report, the District Revenue Officer, Kanchipuram declared the patta produced by the said Sarasa as a forged one and advised the petitioner to vacate the encroachers. Therefore, a complaint was lodged before the Central Crime Branch (CCB)-II, Anti Land Grabbing Special Cell, Chennai.

3. It appears that the said Sarasa had executed a Settlement Deed in favour of her husband, Muthu on 30.03.2012. On the basis of this settlement deed, the said Muthu had executed a will in favour of one Harikumar and the said Harikumar appears to have clandestinely obtained a patta in his name without notice to the petitioner. It was only in the year 2023 that this had come to the knowledge of the petitioner. A complaint was lodged before the 2nd respondent seeking cancellation of patta. The 3rd respondent had conducted an enquiry wherein the Power Agent of the petitioner, respondents 5 and 6 were enquired, statements recorded and documents were received. On 03.11.2023, a





W.P.No. 35786 of 2024

violation of the principles of natural justice. Therefore, without going into the merits of the case, the impugned order dated 10.07.2018 is set aside and the matter is remitted back to the 3rd respondent. The 3rd respondent is directed to consider the application of the petitioner afresh and pass orders on merits and accordance with law, after issuing notice to all the parties and affording them a personal hearing, within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

27.11.2024

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

1. The District Collector
Chengalpattu District
Chengalpattu
2. The Revenue Divisional Officer
Revenue Divisional Office,
Guindy, Chennai – 600 032

6/8



W.P.No. 35786 of 2024

WEB COPY

3. The Special Tahsildar
Land Administration, Alandur
No.15/17, Military Quarters,
Alandur, Chennai – 600 016

4. The Sub Registrar, Alandur
No.15/17, Military Quarters,
Alandur, Chennai – 600 016



WEB COPY



W.P.No. 35786 of 2024

P.T.ASHA, J.,

srn

W.P.No. 35786 of 2024
and
W.M.P.Nos. 38657 & 38659 of 2024

27.11.2024