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W.P.No.34702 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.34702 of 2024

and

W.M.P.No.37640 & 37643 of 2024

Dr.K.Jayanth Murali
Represented By His Power Agent
Mr. M.A.Muhammed Iqbal,
Residing At Plot No. A, New No. 3,
East Phase, Venkateswara Nagar,
Kodungaiyur, Chennai -600 118.

... Petitioners

Vs.

1.The Commissioner Of Land Administration,
Chepauk, Chennai.

2.The District Collector,
Chengalpattu District,
Chengalpattu -603 001.

3.The Tahsildar,
Thirupoorur Taluk, Thiruporrur,
Chengalpattu District.

4.The Zonal Officer,
Deputy Tahsildar, Kelambakka,
Chengalpattu District.

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, Call for the records of the 1st Respondent in Na.Ka. No. R2/4312904/2023 and quash the order dt. 9.8.2023 passed therein in so far it relates to Petitioners property Plot No. 7, admeasuring 4634 sq.ft in the Lay out known as Ideal Bay comprised in and forming part of Present Survey No. 216/3, New S.no. 216/3A1B, covered under Patta No. 804, situated in Pudhukalpakkam Village, Hamlet of Nemmeli Village, Chengalpattu Taluk, Kancheepuram and consequentially direct the third and fourth respondents to restore the patta issued by them to the Petitioner under patta No. 804, in respect of the property of the Petitioner comprised in Survey NO.216/3A1B admeasuring 00.302 Hectare situated in Nemmeli Village, Thiruporur Taluk, Chengalpattu District.

For Petitioner : M/s.L.Murali Krishnan

For Respondents : M/s.P.Satish, AGP
for respondents 1 to 4.



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ORDER

The writ petition has been filed for the following reliefs;-

" Call for the records of the 1st Respondent in Na.Ka. No. R2/4312904/2023 and quash the order dt. 9.8.2023 passed therein in so far it relates to Petitioners property Plot No. 7, admeasuring 4634 sq.ft in the Lay out known as Ideal Bay comprised in and forming part of Present Survey No. 216/3, New S.no. 216/3A1B, covered under Patta No. 804, situated in Pudhukalpakkam Village, Hamlet of Nemmeli Village, Chengalpattu Taluk, Kancheepuram and consequentially direct the third and fourth respondents to restore the patta issued by them to the Petitioner under patta No. 804, in respect of the property of the Petitioner comprised in Survey NO.216/3A1B admeasuring 00.302 Hectare situated in Nemmeli Village,Thiruporur Taluk, Chengalpattu District."

2. The deponent of the affidavit filed in the support of the writ petition is the power agent of the original owner of the property which consist of a land and building bearing No.7 measuring 4634 sq.ft. in



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the lay out known as "Ideal Bay" comprised in S.No.216/3 Nemmeli Village. This property was purchased by the Principal, Dr.K.Jayanth Murali under a registered sale deed dated 25.10.2011.

3. The property originally measured 1 acre comprised in S.Nos.11/3, 215/2 and 216 situate at Nemelli Village was owned by Mr.Desingu and 152 others and a part of the land measuring 25 cents was purchased by one Mr.Sivaji under a Registered Sale Deed dated 12.05.1995. Thereafter, the said Sivaji and others had sold the properties measuring 15 cents in S.No.211/3, 20 cents in S.No.215/2 and 65 cents in S.No.216 totally admeasuring 1 acre to one Mr.Mac Baseer Ali under a registered sale deed dated 22.02.2008. Patta was also issued in the name of the said Baseer. The said Baseer Ali had formed a layout of house sites called "Ideal Bay". In the said lay out he had sold plot number 7 admeasuring 4634 sq.ft. to the petitioner herein under a registered sale deed dated 25.10.2011. The petitioner had applied for mutation of revenue records and the same was considered and patta was issued in his favour in patta no.804.



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4. The petitioner had thereafter constructed a house consisting of a ground and first floor in the aforesaid lands and has been in uninterrupted possession and enjoyment of the same. The electricity connection, water connection etc; have been provided for said house. Necessary taxes and other public outgoings are being remitted by the petitioner.

5. While so, the petitioner decided to sell the house to one Mr.Karthikeyan and he had executed a sale deed in his favour on 05.06.2023. When the sale deed was presented for registration, the Sub Registrar instead of completing the registration kept the document pending. Thereafter, by proceedings dated 28.07.2023, the Sub-Registrar, Thiruporur had refused to register the sale deed dated 05.06.2023 by stating that one Namelli Arulmigu Alavandhar Nayagar Charities had vide their letter dated 30.01.2015 and 08.06.2018 objected to the registration of conveyances in respect of the lands in Survey No.216 and the adjoining land in Nemelli Village.



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6. Aggrieved by the same, the petitioner had sent a representation to the Registering Authorities to register the sale deed as the above Trust had no claim over the said land, measuring 1 acre. In response to this representation, a reply was sent to the petitioner via WhatsApp stating that the 1st respondent had suo motu taken up the issue and passed the impugned order dated 09.08.2023, canceling the patta issued in respect of S.Nos.216/1 to 2016/51. The 1st respondent had neither verified the records of various owners nor given them an opportunity to put forward their case and had proceeded to cancel the patta issued in respect of the S.Nos.216/1 to 2016/51. The impugned order has been passed without issuing notice to the affected parties and affording them an opportunity to put forth their case. Therefore, the petitioner is before this Court.

7. Heard the counsels on either side.

8. A mere perusal of the impugned order clearly shows that it was passed without issuing notice to the affected parties and without



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affording them an opportunity to put forth their case. Therefore, without going into the merits of the case, taking note of the fact that there has been a gross violation of the principle of natural justice, the Writ Petition is allowed, the impugned order passed by the 1st respondent dated 09.08.2023 is set aside and the matter is remitted back to the 1st respondent for fresh consideration. The 1st respondent shall issue notice to the petitioner and give him personal hearing and thereafter pass a speaking order within a period of 2 months from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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(shr)
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No



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