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WP.No.35693 of 2024

In the High Court of Judicature at Madras

Dated : 26.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35693 of 2024

Mrs.B.Rekha

...Petitioner

Vs

1.The District Revenue Officer,
Chengalpet District,
Chengalpet.

2.The Revenue Divisional Officer,
Madurantakam Taluk,
Chengalpet District.

3.The Tahsildar, Madurantakam
Taluk, Chengalpet District.

4.Mr.E.Ramalingam

5.Mr.Jaganathan

6.Mrs.Jamuna

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the entire records of the impugned order dated 04.11.2024 in Na.Ka.No.5224/2023/C passed by the second respondent and quash the same.

For Petitioner : Mr.S.V.D.Rajendra Prasad
For R1 to R3 : Mr.A.Selvendran, SGP



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ORDER

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Challenging the order dated 04.11.2024, in and by which, the second respondent cancelled the patta issued in favour of the sixth respondent, who is none other than the mother of the petitioner, without conducting any inquiry, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 to 3.

3. The facts leading to filing of this writ petition are briefly set out herein below :

(i) The sixth respondent purchased two properties in S.No.60/1H1 measuring an extent of 30 cents and another extent of 15 cents vide two sale deeds both dated 16.11.1998 in doc.Nos.1859 and 1860 of 1998 registered on the file of the Sub-Registrar, Madurantakam. Patta No.230 was issued in respect of the said lands on 11.10.2011.

(ii) On 10.3.2023, the Survey and Settlement Department gave a survey report with regard to the total extent of 45 cents. Thereafter, the petitioner's mother settled (i) an extent of 8 cents in favour of the petitioner in S.F.No.60/1D and (ii) an extent of 44 cents in S.F.No.60/1H1, totalling to an extent of 52 cents in Puliyanankottai



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Village, Madurantakam Sub-Registration District, Madurantakam Taluk, Chengalpet District apart from one more property at Poraiyur Village, Achirupakkam Sub-Registration District, Cheyyur Taluk, Chengalpat District. The petitioner also got the revenue records mutated in her name and she was issued with patta No.387 on 22.12.2023.

(iii) While so, on 04.11.2024, the petitioner's mother received the impugned order cancelling the patta issued to her. The grievance of the petitioner is that the impugned order has been passed by the second respondent without issuing notice to either the petitioner or the sixth respondent nor an opportunity of personal hearing was granted to either of them. Hence the writ petition.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

5. Without traversing through the merits of the case, considering the fact that the cancellation of the patta issued to the sixth respondent was effected without notice to the pattadhars and without holding an inquiry, the principles of natural justice have been violated. Therefore, the impugned order has no legs to stand.



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6. Accordingly, the writ petition is allowed, the impugned order is set aside and the matter is remitted back to the second respondent for a fresh consideration. The petitioner is permitted to raise the objections before the second respondent forthwith. On receipt of the objections, the second respondent shall afford an opportunity of personal hearing and after following the due process of law, the second respondent shall pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order.

26.11.2024

To

1.The District Revenue Officer,
Chengalpet District, Chengalpet.

2.The Revenue Divisional Officer,
Madurantakam Taluk,
Chengalpet District.

3.The Tahsildar, Madurantakam
Taluk, Chengalpet District.

RS



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