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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 8863 of 2025

1. G.Dinesh Kumar

Petitioner(s)

Vs

1. Tahsildar

Taluk Office, Aminjikarai,
Chenani-600 030.

2.The Executive Officer

Arulmigu Ekambareshwarar Temple,
Aminjikarai, Chennai-600 029.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to quash the order dated 05.02.2025 passed by the Tahsidlar, Aminjikarai taluk in proceedings No.A2/2302/ 2024 and consequently direct the 1st respondent to conduct fresh enquiry under Section 10 of the Tamil Nadu patta Passbook Act, 1983 after



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For Petitioner(s): Mr.S.Mahesh Kuamr

For Respondent(s): Mr.A.Selvendran
Special Government Pleader
for R1
Mr.N.R.Arun Natarajan
Special Government Pleader
for R2

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 05.02.2025 and for a consequential direction to the 1st respondent to conduct a fresh enquiry after furnishing the copies of the documents relied upon by the 2nd respondent and by affording opportunity to the petitioner.

2.Heard Mr.S.Mahesh Kumar, learned counsel appearing on behalf of the petitioner and Mr.A.Selvenderan, learned Special Government Pleader appearing on behalf of the 1st respondent and Mr.N.R.Arun Natarajan, learned

Special Government Pleader appearing on behalf of the 2nd respondent.



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3.The case of the petitioner is that the subject property was originally owned by the petitioner's grand mother by virtue of a registered Sale Deed dated 01.10.1952 registered as Document No.2111 of 1952. The petitioner acquired the property by virtue of a Settlement Deed dated 26.10.2016 registered as Document No.4678 of 2016. The patta was also mutated in the name of the petitioner. While so, the 2nd respondent started claiming right over the property. When the petitioner verified the TSLR extract, it came to the notice of the petitioner that the name of the 2nd respondent has been incorporated in the TSLR.

4.The petitioner filed writ petition in W.P.No.21671 of 2024 before this Court for a direction to the 1st respondent to conduct an enquiry and to pass appropriate orders. The said writ petition was disposed of by an order dated 31.07.2024 by directing the 1st respondent to conduct the enquiry and to pass orders, within a period of six weeks.



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5.The 1st respondent has passed the impugned order dated 05.02.2025, rejecting the application submitted by the petitioner.

6.The grievance expressed by the petitioner is that the 2nd respondent had relied upon a set of documents and the petitioner was not even furnished the copies of those documents and that an order has been passed without affording sufficient opportunity to the petitioner.

7.This Court carefully went through the order passed by the 1st respondent. The 1st respondent has relied upon nearly seven documents that were presented on the side of the 2nd respondent. However, there is no indication that the copies of these documents were furnished to the petitioner. In view of the same, the petitioner was claiming right through one set of documents and the 2nd respondent was claiming right through another set of documents and the petitioner never had an opportunity to look through the documents that was



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relied upon by the 2nd respondent. As a result, the petitioner was not able to substantiate the right before the 1st respondent. The impugned order itself came to be passed after the contempt notice was issued by the petitioner on the ground that the earlier order passed by this Court in W.P.No.21671 of 2024 has not been complied with.

8. When the 1st respondent conducts the enquiry under Section 10 of the Patta Pass Book Act, opportunity must be given to the parties and whatever documents are relied upon by both sides, the copies must be furnished to the parties to enable them to put forth their case. If the documents relied upon by the 2nd respondent has not been furnished to the petitioner, obviously the petitioner would not know as to what documents were put against the petitioner. This will result in violation of principles of natural justice.

9. In the light of the above discussion, the impugned proceedings of the 1st respondent dated 05.02.2025, is hereby quashed. The matter is remanded back to



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the file of the 1st respondent. The copy of the documents that were relied upon by the 2nd respondent shall be furnished to the petitioner. Thereafter, the petitioner and the 2nd respondent shall be called for an enquiry and they shall be given opportunity and thereafter, final orders shall be passed by the 1st respondent, within a period of eight weeks from the date of receipt of copy of this order.

10. In the result, this writ petition stands allowed with the above directions. No Costs.

19-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Tahsildar
Taluk Office, Aminjikarai, Chenani-600
030.

2. The Executive Officer
Arulmigu Ekambareshwarar Temple,
Aminjikarai, Chennai-600 029.



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