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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 9855 of 2025

PARASURAMAN

Petitioner(s)

Vs

1. The District Collector
Collectorate Building,
Tiruvannamalai District

2.The District Revenue Officer
DRO Office, Tiruvannamalai District

3.The Revenue Divisional Officer
Taluk Office, Arni Taluk,
Tiruvannamalai District

4.The Tahsildar
Taluk Office, Polur Taluk ,
Tiruvannamalai District

5.MANICKAVEL

Respondent(s)



PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records and quash relating to the impugned order dated 18.08.2022 passed in Na.Ka. A6 / 3309 / 2022 by the 3rd respondent cancelling the patta issued in name of the petitioner for the property comprised in survey No 352, situate at Athuvanbadi Village, Polur Taluk, Tiruvannamalai district, measuring an extent of 0.80.0 hectares and consequently to direct the 3rd respondent to restore patta which was issued to petitioner, within the time frame to be fixed by this Court.

For Petitioner(s): D.Rameshkumar

For Respondent(s): Mr.M.R.Gokul Krishnan
Additional Government Pleader
for R1 to R4

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 18.08.2022, cancelling the patta issued in the name of the petitioner with respect to the subject property and for a consequential direction to the 3rd respondent to restore the patta issued in the name of the petitioner.

2. When the matter came up for hearing on 27.03.2025, this Court passed the following order:



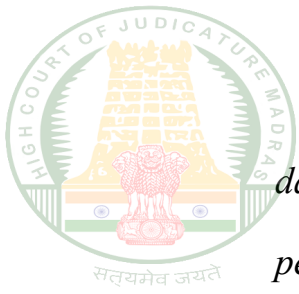
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The impugned order dated is 18.08.2022 and whereas, the writ petition has been filed on 11.03.2025 and there is absolutely no explanation in the affidavit filed in support of the writ petition as to why there was a substantial delay in approaching this Court. When the same was pointed out, the learned counsel for the petitioner seeks for some time to file a better affidavit in this case.

3.Post this case at the end of the motion list on 03.04.2025.

3.When the matter was taken up for hearing today, an additional affidavit was filed by the petitioner and the relevant portions are extracted hereunder:

2.I humbly submit that the above writ petition has been filed challenging the impugned order dated 18/08/2022 passed in Na. Ka.A6/3309/2022 by the 3rd Respondent cancelling the patta issued in my name for the subject property. I further submit that through the impugned order was passed on 18/08/2022, I had filed the above writ petition very recently for the reason that as directed I had preferred appeal dated 05/11/2022 through my

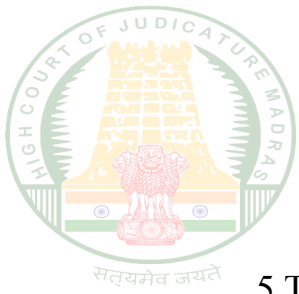


daughter Amulu, before the official Respondents and the same is pending.

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3. Pursuant to filing of the above referred appeal, no notice was issued to me and as well as the 5th Respondent until filing the above writ petition. I had also filed OS No. 91/2022 on the file of the District Munsif Court, Polur, Tiruvannamalai District praying for permanent injunction and other consequential relief. While the same is pending, despite the 5th Respondent filing his written statement, he attempted to disturb my peaceful possession. Henceforth, I was constrained to knock the doors of this Hon'ble Court seeking remedy. The delay caused was neither willful nor wanton but due to the above said bonafide reasons.

4. It is clear from the above that the petitioner's daughter had already filed an appeal on 05.11.2022 before the 1st and 2nd respondents and the said appeal was not taken up and no orders were passed. Taking advantage of the same, the 5th respondent was attempting to disturb the possession of the petitioner and therefore, the petitioner was constrained to file a civil suit in O.S.No.91 of 2022 before the learned District Munsif Court, Polur.



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5. Taking into consideration the facts and circumstances of the case and the materials placed before this Court, it will suffice if a direction is given to the 2nd respondent to deal with the appeal filed by the petitioner on 05.11.2022, on its own merits and in accordance with law after affording opportunity to the 5th respondent and final orders shall be passed, within a period of eight weeks from the date of receipt of copy of this order.

6. This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

03-04-2025

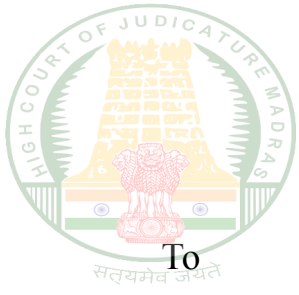
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssr



To

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N.ANAND VENKATESH J.

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