



W.P.No.31422 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.31422 of 2024
W.M.P.No.34111 of 2024

S.Satish

...Petitioner

Vs

1.The Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Sub-Collector/Revenue Divisional Officer
Tiruvannamalai District,
Tiruvannamalai.

3.The Tahsildar
Taluk Office,
Chetpet Taluk,
Tiruvannamalai District.

4.Sakthi Prasanna

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorari, to call for the records relating to Cancellation of Patta dated 25.09.2024 vide Nee.Mu.A4/3951/2024 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.D.S.Ramesh

For Respondents : Mr.M.R.Gokul Krishnan

Additional Government Pleader
(For R1 to R3)

Mr.C.Munusamy for R4



W.P.No.31422 of 2024

ORDER

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The Writ Petition is filed for the following relief:-

To call for the records relating to cancellation of patta dated 25.09.2024 vide Nee.Mu.A4/3951/2024 issued by the 2nd respondent and quash the same.

2.It is the contention of the learned counsel for the petitioner that the property comprised in Old Survey No.329/1, New Survey No.329/7, Dharmaraja Kovil Street, Pazhampettai Village to an extent of 1073 sqft originally belonged to one Loganathan. The said Loganathan settled the said property to his wife Ammu by way of a gift settlement deed dated 23.09.2021 vide Document No.2841 of 2021 on the file of the Sub-Registrar Office, Chetpet. Thereafter, the petitioner purchased the said property from Ammu through a registered sale deed vide document No.2293 of 2024 on the file of Sub-Registrar Office, Chetpet. It is further submitted that petitioner applied for transfer of patta from his vendor to his name and it was not transferred till date. Thereafter, he filed W.P.No.25275 of 2024 before this Court and the same was allowed. Further, the petitioner came to learn that there is a dispute between his

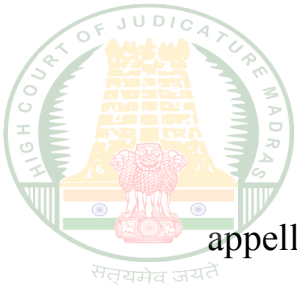


W.P.No.31422 of 2024

vendor and fourth respondent's father. In regard to that dispute, the fourth respondent filed W.P.No.16853 of 2024 to cancel the patta issued in favour of petitioner's vendor Ammu and the same was allowed. Aggrieved on the same, the petitioner is before this Court.

3.Heard the learned counsels on either side and perused the records. Mr.M.R.Gokul Krishnan, the learned Additional Government Pleader takes notice on behalf of respondents 1 to 3.

4.The impugned order has been passed by the second respondent which is contrary to the orders passed by this Court in W.P.No.16853 of 2024 dated 28.06.2024, where the Writ Petition filed by the fourth respondent herein for a direction to the District Collector, the Revenue Divisional Officer and the Tahsildar to consider his representation for cancellation of the patta issued to the fourth respondent therein (predecessor in title of the petitioner herein) had been disposed of with a clear direction that the representation has to be considered by the third respondent Thasildar. Though in the impugned order there is a reference to this order however, impugned order has been passed by the second respondent and not the third respondent. The second respondent is the



W.P.No.31422 of 2024

appellate authority under Section 12. The appellate authority has taken over the function of the original authority and passed orders in contravention of the orders passed by this Court in the earlier Writ Petition. Therefore, the present Writ Petition is allowed. The impugned order is set aside. The matter is remitted back to the third respondent Tahsildar who shall consider the representation of the fourth respondent after giving notice to both the petitioner herein as well as the fourth respondent and giving them personal hearing and pass orders within a period of two months from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

21.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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W.P.No.31422 of 2024

P.T.ASHA, J,

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To

- 1.The Collector,
Tiruvannamalai District,
Tiruvannamalai.
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Tiruvannamalai District,
Tiruvannamalai.
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W.P.No.31422 of 2024
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21.01.2025