

W.P.No.31129 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.31129 of 2023

and

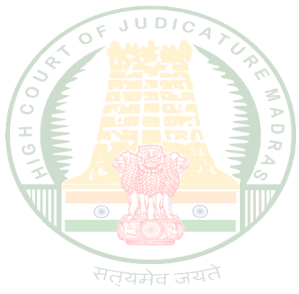
W.M.P.No.30760 of 2023

G.Anbalagan

.. Petitioner

Vs.

- 1.The District Collector,
Chengalpattu District,
Chengalpattu.
- 2.The Revenue Divisional Officer,
Kadapery, Tambaram,
Chennai – 600 045.
- 3.The Tahsildar,
Tambaram Taluk,
Tiruchi – Chennai High Road,
Tambaram West, Chennai – 600 045.
- 4.The Head Surveyor,
Tambaram Taluk,
Tambaram, Chennai – 600 045.
- 5.P.Rajendra Prasad
- 6.D.Thnagaraj
- 7.Vishnu Mythili



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8.P.Nithya Ramesh

9.R.Umamaheshwari

10.V.K.Chari

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the orders passed by the second respondent in proceedings No.Mu.Mu.1694/2023/A dated 09.10.2023 and to quash the same as illegal.

For Petitioner	:	Mr.S.Thiruvengadam
For RR 1, 3 & 4	:	Mr.M.R.Gokul Krishnan Additional Government Pleader
For R2	:	Mrs.S.R.Sumathi
For RR 5 to 7	:	Mr.M.Chinnasamy
For R8	:	Mr.Ma.P.Thangavel

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 09.10.2023, wherein the 2nd respondent has directed the cancellation of the sub divisions that took place in Survey No.13/4 and to restore the revenue records to its original



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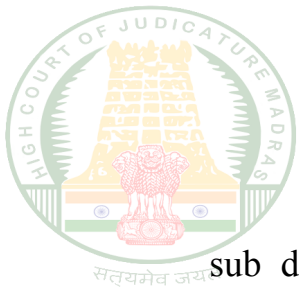
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position in the name of one V.K.Chari and thereafter to conduct an enquiry based on the title documents and sub divide the property and issue patta in the name of the concerned individuals.

2.Heard the learned counsel for the petitioner, learned Additional Government Pleader for respondents 1, 3 & 4, learned counsel for 2nd respondent, learned counsel for respondents 5 to 7 and the learned counsel for 8th respondent.

3.The 5th respondent gave a complaint dated 06.04.2023 to the 1st respondent stating that there is a pathway that is available in the property belonging to the 5th respondent and whereas the petitioner had put up a construction in the pathway in Survey No.13/4C1A on the basis of fabricated documents and the entries made in the revenue records and he also obtained the plan approval. Therefore, the 5th respondent had sought for the cancellation of the patta and also the FMB sketch.

4.On receipt of this complaint, the 2nd respondent through proceedings dated 09.10.2023, passed an order to the effect that all the



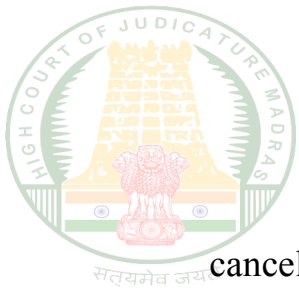
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sub divisions must be canceled and the 'A' register and the revenue records must be restored to its original position in the name of Mr.V.K.Chari in patta No.323.

5.It is not necessary for this Court to go into the merits of this case and this Court finds that the order passed by the 2nd respondent is vitiated for violation of principles of natural justice. The order passed by the 2nd respondent obviously has civil consequences not only for the petitioner, but also for others who have been issued patta after the sub division of the property. If the 2nd respondent directs all the sub divisions to be canceled and to restore the revenue records in the name of the original owner, it virtually touches upon the right and title of the petitioner and others who will be adversely affected due to the order passed by the 2nd respondent.

6.The Hon'ble Supreme Court has repeatedly held that whenever any order results in civil consequences, the minimum that is required is to afford opportunity to the concerned parties and thereafter to take a decision. When the 2nd respondent took such an adverse step of directing



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cancellation of all the sub divisions and restoring the revenue records in the name of the original owner as it stood in the year 1968, such an order should have been passed only after putting on notice all the interested parties. Since the same has not been done, the impugned proceedings of the 2nd respondent dated 09.10.2023 is liable to be quashed by this Court for violation of principles of natural justice. Accordingly, the impugned proceedings of the 2nd respondent in Mu.Mu.1694/2023/A dated 09.10.2023 is hereby quashed. The matter is remanded back to the file of the 2nd respondent and the 2nd respondent is directed to issue notice to all the interested parties and hear them and thereafter pass orders on its own merits and in accordance with law.

7.In the result, this Writ Petition is allowed with the above directions. Consequently, the connected Miscellaneous Petition is closed.

No costs.

05.03.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No



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N.ANAND VENKATESH, J.

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To

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Chengalpattu District, Chengalpattu.
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