



W.P.No.39010 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.39010 of 2024

and W.M.P.No.42250, 42253 & 42254 of 2024

P.Krishnadoss

...Petitioner

Vs

1.The Tahsildar,
Bhu. Kolakudi,
Bhuvanagiri Taluk,
Cuddalore District.

2.A.Ramanujam

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorari, calling for the records of the Patta No.1182 for the lands in S.No.5/6 and 5/7 situated at Bhu.Kolakudi Village, Bhuvanagiri Taluk, Cuddalore District issued by the 1st respondent in favour of 2nd respondent dated 29.10.2024 and quash the same as illegal and against the principles of natural justice.

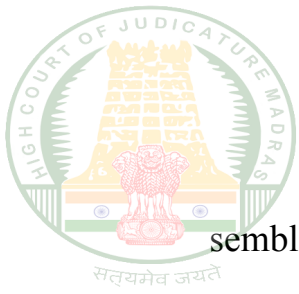
For Petitioner : M/s.S.Ramesh Kumar

For Respondents : Mr.P.Sathis

Additional Government Pleader

ORDER

Aggrieved by the fact that in respect of Survey Nos.5/6 and 5/7, Kolakudi Village, Bhuvanagiri Taluk, Cuddalore District, the first respondent had issued patta in favour of second respondent who had no



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semblance of right to the property. Thus, Writ Petition has been filed.

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2.The petitioner's contention is that properties comprised in S.No.10/1, 10/4A, 10/4F, 12/1A, 2/1A, 2/5, 5/6, 5/7, 5/8A situate at Bhu. Kolakudi Village, Bhuvanagiri Taluk, Cuddalore District, was originally comprised in patta No.36. These properties were assigned to the petitioner's grand father P.C.S.Krishnan by Government of Tamil Nadu. The said P.C.S.Krishnan and petitioner's father K.Rajasekar had partitioned the properties under a registered partition deed dated 29.05.1975. Under the above partition, the petitioner's father was allotted the properties comprised in S.No.10/1, 10/4A, 10/4F, 12/1A, 2/1A, 2/5, 5/6, 5/7, 5/8A and he was in continuous possession and enjoyment of the same. He had got revenue records mutated and patta No.36 was transferred in his name. Petitioner's father died on 15.10.2017 and as his legal heir the petitioner has been in continuous possession and enjoyment of the same.

3.In the year 2018, after the death of his father, the second respondent tried to interfere with the petitioner's peaceful possession and enjoyment of the properties in S.No.5/6 and 5/7. The petitioner filed



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O.S.No.119 of 2019 seeking injunction restraining the second respondent and his men and agents from interfering with the petitioner's peaceful possession and enjoyment of the properties. The said suit came to be dismissed for default by the learned trial Judge by order dated 02.11.2023. An application to restore the suit has been filed.

4.After the dismissal of the suit, the second respondent has approached the first respondent Tahsildar, Cuddalore district, and he has cancelled patta No.36 which stood in the petitioner's father name without notice to him. Aggrieved by this, the petitioner is before this Court.

5.Heard the learned counsels on either side. The learned Additional Government Pleader takes notice on behalf of the first respondent.

6.A mere perusal of the patta would indicate that no notice has been issued to the petitioner. The patta has been granted on the basis of legal opinion of a Government Pleader which has been issued on 25.10.2024 and patta has been granted on 29.10.2024. Therefore, considering the fact that the impugned patta has been granted to the second respondent without notice to the petitioner, this Court is passing



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orders without ordering notice to the second respondent. The impugned patta No.1182 is set aside and the matter is remitted back to the first respondent for fresh consideration after issuing notice to the petitioner as well as the second respondent.

7.The Writ Petition is allowed with the above directions. No costs.

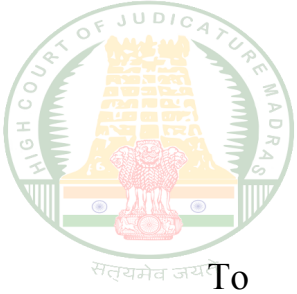
Consequently, connected miscellaneous petitions are closed.

06.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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P.T.ASHA, J,

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To
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