

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5260 of 2015 and M.P.Nos.1 and 2 of 2015

V.Mageshwari

...Petitioner

Vs

1. The District Collector,
Namakkal District
Namakkal

2. The Tahsildar,
Rasipuram Taluk,
Namakkal District

...Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in Na.Ka.No.13697/2014/B1 dated 12.02.2015 and quash the same and further direct the 2nd respondent to issue patta in favour of the petitioner.

For Petitioner :Mr.P.Kannankumar

For Respondents :Mr.S.Gunasekaran
Government Advocate

O R D E R

Heard Mr.P.Kannankumar, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents. With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2.The Petitioner has filed this Writ Petition challenging the order passed by the 2nd respondent dated 12.02.2015 rejecting the petitioner's claim for grant of patta. It is submitted by the learned counsel for the petitioner that the impugned order is un-

sustainable and contrary to the facts and order has been passed without reference to the land assignment order dated 20.10.2009 and the house tax receipts produced by the petitioner.

3. Admittedly, as against the impugned order, the petitioner has effective alternative remedy of preferring appeal before the Revenue Divisional Officer. Without exhausting such remedy, the petitioner has not justified any reasons in approaching this Court and this Court cannot entertain this petition filed by the petitioner and compel the respondents to grant patta in favour of the petitioner. However, the petitioner is directed to file an appeal before the Revenue Divisional Officer of the concerned area and if such appeal is filed within a period of 30 days from the date of receipt of copy of this order, the Appellate Authority shall not reject the appeal on the ground of limitation, but, shall consider the appeal petition on merits and in accordance with law after hearing the petitioner-in person.

With the above observation, this petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

To

1. The District Collector,

Namakkal District
Namakkal

2. The Tahsildar,
Rasipuram Taluk,
Namakkal District.

1 cc to Mr.P.Kannankumar ,Advocate, SR.No.11142

1 cc to Government Pleader, Sr.No11292

W.P.No.5260 of 2015 and

M.P.Nos.1 and 2 of 2015

sv (co) pmk.19.3.2015