

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WP.No.9608/2015 & MP.Nos.1&2/2015

S.Palanivel

... Petitioner

Versus

1. The Collector
Namakkal, Namakkal District.
2. The Revenue Divisional Officer
Namakkal.
3. The Tahsildar
Rasipuram Taluk, Namakkal District.
4. M.Manickam
5. N.Periyasamy

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the entire records of the 3rd respondent dated 24.01.2015 in Na.Ka.No.3383/2011 [b3] and quash the same and consequently direct the respondents hereinto and grant patta for land comprised in Survey No.22/7A of Kurakkapuram, Andagalur Gate Village, Rasipuram Taluk, Namakkal District, measuring an extent of 47 cents in the name of the petitioner.

For Petitioner : Mr.N.Nithianandam

For RR 1 to 3 : Mr.M.L.Mahendran, GA

ORDER

Heard Mr.N.Nithianandam, learned counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate accepting notice for the respondents and with their consent, the writ petition itself is disposed of at the admission stage itself. Since the writ petition is disposed of at the admission stage, notice to the respondents 4 and 5 is dispensed with and the merits of the allegation made by the petitioner as against the respondents 4 and 5 are not gone into and the same is left open to the respondents 1 to 3 to take note of the same.

2.The petitioner has filed this writ petition challenging the order passed by the 3rd respondent dated 24.01.2015, with a prayer to quash the same and for a consequential direction to the respondents to grant patta in respect of the land comprised in S.No.22/7A of Kurakkapuram, Andagalur Gate Village, Rasipuram Taluk, Namakkal District, measuring an extent of 47 cents in the name of the petitioner.

3.Admittedly, the Tahsildar, Rasipuram Taluk/the 3rd respondent herein, has refused to issue patta in favour of the petitioner in respect of the lands in question and aggrieved by that, the petitioner has filed this present writ petition.

Against the order of the Tahsildar, the petitioner has got the right of revision/appeal under section 13 of the Tamil Nadu Patta Passbook Act, 1983. The petitioner, contended that he is in possession of the property right from 1952.

4.In reply to the said contention, the learned Government Advocate appearing for the respondents 1 to 3 submitted that the finding of the Authority is that the petitioner is not in possession of the property.

5.Since a disputed question of fact is involved and since an appeal remedy has been provided under the Act, it is open to the petitioner to prefer an appeal within a period of fifteen days from the date of receipt of a copy of this order. If any such appeal is preferred by the petitioner, the Appellate Authority / Revisional Authority shall consider the same and pass orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of one month from the date of filing of such appeal. Till such time of the appeal being disposed of and final order is being passed in the appeal, the petitioner shall not

be disturbed from the possession, if he is in possession of the land in question.

6.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Collector
Namakkal, Namakkal District.
2. The Revenue Divisional Officer
Namakkal.
3. The Tahsildar
Rasipuram Taluk, Namakkal District.

+1cc to M/s.N.Nithianandam, Advocate, S.R.No.18890
+1cc to the Government Pleader, S.R.No.18748

WP.No.9608 of 2015
and
M.P.Nos.1 & 2 of 2015

SAI (CO)
CA(13/04/2015)

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