

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2016

Coram:

Hon'ble Mr.Justice NOOTY. RAMAMOHANA RAO
and
The Hon'ble Mr.Justice S.M.SUBRAMANIAM

WRIT APPEAL No.1615 of 2016
and
C.M.P.No.19994 of 2016

J.Paulraj ...Appellant/2nd Respondent

-Versus-

1. Varadharajan
2. The Tahsildar,
Taluk Office,
Tambaram. ...Respondents/Petitioner &
1st Respondent

Writ Appeal filed under Clause 15 of Letters Patent
against the order passed by the learned single Judge in
W.P.No.9033 of 2016 dated 27.06.2016.

W.P.No.9033 of 2015:- Petition praying to issue a Writ of
Mandamus, directing the 1st Respondent to Change the Patta from
the Petitioner's Vendor's name to the Petitioner's name on the
basis of the sale deed Dated 13/01/2015.

For Appellant .. Mr.S.Balasubramaniam
For Respondent-2 .. Mrs.A.Srijayanthi, Spl.G.P.

JUDGMENT

(DELIVERED BY NOOTY.RAMAMOHANA RAO, J)

This in house appeal is directed, against the order
rendered by the learned single Judge in W.P.No.9033 of 2015 on
27.06.2016.

2. The first Respondent herein was the writ petitioner. He
sought for a writ of mandamus to direct the Tahsildar, Tambaram,
to change the patta with regard to certain extent of land from
the name of the vendor of the writ petitioner and to incorporate
the name of the writ petitioner, based upon a sale deed said to

have been executed by his vendor on 13.01.2015. The present appellant was the second respondent to the said writ petition. The second respondent has clearly brought out the serious disputes existing in between the parties. The dispute between the parties does not merely touch upon the title to the land but it also touches the actual possession of the land in question. The right amongst the writ petitioner and the second respondent to the writ petition to acquire valid title to the land was also in dispute, locked up in civil courts. In that backdrop, all that the learned Judge granted in the writ petition in para 5 thereof is to the following effect:-

"5. In view of the above, the first respondent is directed to dispose of the petitioner's representation dated 19.01.2015, with regard to the change of patta in the name of the petitioner, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner, the second respondent and other persons concerned, if any. The petitioner is directed to furnish a copy of the representation dated 19.01.2015, to the first respondent, along with a copy of this order. However, it is made clear that this Court, by this order, has not expressed any opinion on the merits of the matter. "

3. From the above, it is made explicitly clear to the Tahsildar, Tambaram as well as the appellant herein that this Court has not expressed any opinion on merit or for that matter the lack of merit in the claim of the writ petitioner. Whether patta should be granted in favour of the writ petitioner as applied for by him or objection raised by the second respondent/appellant for grant of any such patta, by the Tahsildar, is to be upheld, is a matter of consideration by the Tahsildar. The learned single Judge has directed the Tahsildar to consider the claim as well as the objections raised there against and pass appropriate orders on merit and to act strictly in accordance with law, in that process.

4. We have not found the learned Judge to have indulged in any adjudication of any lis between the parties. All that, he has done was to direct the Tahsildar, Tambaram to dispose of the representation of the writ petitioner in accordance with law, after giving an opportunity of hearing to the petitioner, the second respondent and other persons concerned, if any. We cannot imagine that the present appellant can be said to be aggrieved in any manner against any such direction. It is only an apprehension

of the appellant that the Tahsildar would not spare serious consideration for the objections raised by him. Hence, we further reiterate that the Tahsildar shall also take into account and spare serious consideration for the objections raised on the part of the present appellant/second respondent in the writ petition, while considering the claim of the writ petitioner for grant of patta.

5. With this, the writ appeal stands disposed of at the admission stage. No costs. Consequently, C.M.P.No.19994 of 2016 is closed.

gr.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TO

1 THE TAHSILDAR, TALUK OFFICE, TAMBARAM.

+ 1 cc to The Govt. Pleader, Sr 74313

+ 1 cc to M/s.S.Balasubramaniam, Advocate Sr 74396

KR/2/3/17

W.A.No.1615 of 2016

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