

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No. 32199 of 2017

A.Rajasekaran

..Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Revenue Divisional Officer,
Tambaram,
Chennai - 600 045.

3 The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Chennai -600 119.

4. Ganapathy Chettiar,

5. S.Shanmugam

6. C.Selvarajan

.. Respondents

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the second respondent to consider the petitioner's appeal dated 21.08.2017 on merits and as per law and consequently cancel the illegal patta numbers 10534, 15679 & 15681 issued to the land in Survey No.708/1A1A of Pallikaranai village and to make necessary entries in all Revenue Department records with its actual extent of 1.07 Acres and issue patta in the name of Mr.A.Rajasekaran and Tmt.J.Shanti within a specified period.

For Petitioner : Mr.T.T.Ravichandran

For Respondents : Mr.P.Senthilvel

Government Advocate
for R1 to R3.

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of the

parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for direction to the second respondent to consider the petitioner's appeal dated 21.08.2017 and pass orders on the same on merits and in accordance with law.

3. According to the petitioner, the third respondent Tahsildar passed some adverse order against the petitioner in respect of subject matter patta and therefore, he approached the second respondent and filed an appeal on 21.08.2017. Only the said appeal is sought to be disposed of by way of filing the present Writ Petition.

4. Perusal of the said appeal dated 21.08.2017 filed in the typed set of papers would indicate that it is not the proper format in which an appeal has to be filed before the second respondent arising out of the patta proceedings as required under the Patta Pass Book Act. It is also seen that the petitioner has not arrayed the other parties as party respondents in the said application date 21.08.2017. Therefore, I am of the view that the said request of the petitioner cannot be construed as a statutory appeal filed by the petitioner arising out of the patta proceedings. Therefore, it is for the petitioner to file a statutory appeal in accordance with law and procedure. Therefore, this Court is not inclined to issue any direction as sought for in this writ petition and consequently, the writ petition is disposed of by granting liberty to the petitioner to file such an appeal before the second respondent and if there is any delay in filing such Appeal, it is for the petitioner to satisfy the second respondent with convincing reasons for filing such appeal with delay. The liberty granted to the petitioner in this writ petition cannot be construed as though this Court has expressed any view in condoning the delay, if any, in filing such Appeal. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS V)

//True Copy//

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Sub Assistant Registrar

Vsi
To

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Revenue Divisional Officer,
Tambaram,
Chennai - 600 045.

3. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Chennai - 600 119.

+lcc to Government Pleader SR.No.88791

W.P.No.32199 of 2017

SSV(CO)
sm:22.12.2017



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