

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.33286 of 2017

and

WMP.No.36716 of 2017

C.Raju
S/o.Chinnasamy

... Petitioner

versus

1. The District Collector
Namakkal District
Namakkal.

2. The Tahsildar (Revenue)
Namakkal District
Namakkal.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 04.08.2017 vide No.5.2543/2017/22 passed by the 2nd respondent and quash the same and consequently, directing the 2nd respondent to issuance of patta in Survey No.513/12 to the extent of 45 cent, situate at Lathuvadi Village, Namakkal Taluk.

For Petitioner : Mr.G.Pavendhan

For Respondents: Mr.R.Govindasamy
Special Government Pleader

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The order under challenge is the one passed by the second respondent - Tahsildar, refusing to grant Patta to the petitioner in respect of the subject matter land.

3. Needless to say that as against the said order, the petitioner can approach the Appellate Authority viz., the concerned Revenue Divisional Officer by filing an appeal. Without doing so, the petitioner has approached this Court and filed the present writ petition, which in my considered view, is not entertainable, since all the fact finding authority viz., the Revenue Divisional Officer and the District Revenue Officer have to go into the issue and decide on facts as whether the claim made by the petitioner for grant of Patta is justifiable or not. Therefore, this Court, at this stage is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed, however, by granting liberty to the petitioner to file an appeal before the concerned Revenue Divisional Officer, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

mk

To

1. The District Collector
Namakkal District
Namakkal.

2. The Tahsildar (Revenue)
Namakkal District
Namakkal.

+ 1 cc to Mr.G.Pavendhan Advocate, SR.91078
+ 1 cc to The Govt.Pleader, SR.91460

W.P.No.33286 of 2017

lrs(co)
nr 11/01/2018

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