

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28466 of 2013

Mrs.Rani

..Petitioner

vs

The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to enquire the petitioner representation dated 17.09.2013 and dispose of the same within the time limit that may be fixed by this Hon'ble High Court.

For Petitioner : Mr.R.Balachanderan

For Respondent : Mrs.K.Bhuvaneswari
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to enquire the petitioner representation dated 17.09.2013 and dispose of the same within the time limit.

2.On a perusal of the entire writ petition, it is found that the writ petitioner has enclosed only one document in the typed set of papers which is nothing but the representation dated 17.09.2013 sent to the respondent. The manner in which the writ petition has been filed before this Court under Article 226 of the Constitution of India is to be deprecated. Issuance of Patta involves various factors to be enquired into and adjudicated by the competent authorities under the Patta Pass-Book Act, 1983. It is a quasi Judicial functions of the competent authority to conduct an enquiry in accordance with law by providing opportunity to all the parties and thereafter, take a decision and pass orders in respect of grant of Patta. It is not because the writ petition can be filed, by enclosing the copy of the representation and seek a direction to direct the

respondent to consider the representation.

3.First of all, the writ petitioner has to file a proper application along with the necessary documents before the competent authorities and the competent authorities have to issue notice to the parties concerned and conduct an enquiry in accordance with law. Thus, the writ petition is absolutely misconceived and such a writ petition cannot be entertained by this Court under Article 226 of the Constitution of India nor this Court can adjudicate the title of the property in respect of the writ petitioner. The writ petitioner has not established any right so as to file this writ petition. It is left open to the parties to approach the competent authorities in accordance with the procedures contemplated under law.

4.Thus, no further adjudication is required in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no orders as to costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

+1cc to the Government Pleader, S.R.No. 81515

W.P.No.28466 of 2013

TR(06/12/2017)

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