

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.4282 of 2016

& W.M.P.Nos.3629 of 2016 & 23139 of 2017

C.Mariappan

.... Petitioner

Vs

1.The Tahsildar,
Uthangarai Taluk,
Krishnagiri District.

2.The Sub Registrar,
Sub Registrar Office,
Pochampalli, Krishnagiri District.

3.The Taluk Surveyor,
Uthangarai Taluk,
Krishnagiri District.

4.The Village Administrative Officer,
Periya Kottakulam Revenue Village,
Uthangarai Taluk, Krishnagiri District.

5. C.Annamalai

6.C.Chinnathambi

.... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus to direct the respondents not to transfer patta in favour of the respondents 5 and 6 without following the procedure contained under Section 3 of the Tamil Nadu Patta Passbook Act 1983, in pursuance of the representation of the petitioner dated 10.06.2014.

For Petitioner : Mr.P.Rathanavel

For Respondents : Mr.R.Rajeswaran
Special Government Pleader for R1 to R4

Mr.N.E.A.Dinesh for R5 & R6

O R D E R

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents not to transfer patta in favour of respondents 5 and 6 without following the procedure contained under Section 3 of the Tamil Nadu Patta Passbook Act, 1983, in pursuant to the representation of the petitioner dated 10.06.2014.

2. The learned counsel appearing for the petitioner submitted that inspite of the petitioner's representation dated 10.06.2014, the first respondent has not passed any order following the procedure contained under Section 3 of the Tamil Nadu Patta Passbook Act, 1983.

3. Mr.R.Rajeswaran, learned Special Government Pleader appearing for respondents, submitted that the dispute between the petitioner and respondents 5 and 6 can only be redressed by the competent Civil Court and not by the first respondent.

4. Mr.N.E.A.Dinesh, learned counsel appearing for respondents 5 and 6, also submitted that the remedy open to the petitioner is to file a civil suit against respondents 5 and 6 seeking for appropriate remedy.

5. In view of the submissions made by learned counsel on either side, without expressing any opinion with regard to the merits of the case, I direct the first respondent to consider the petitioner's representation dated 10.06.2014 and pass orders on merits and in accordance with law, after giving notice to all the interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

With this observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Assistant Registrar

//True copy//

Sub Assistant Registrar/-

To

1.The Tahsildar,
Uthangarai Taluk,
Krishnagiri District.

2.The Sub Registrar,
Sub Registrar Office,
Pochampalli, Krishnagiri District.

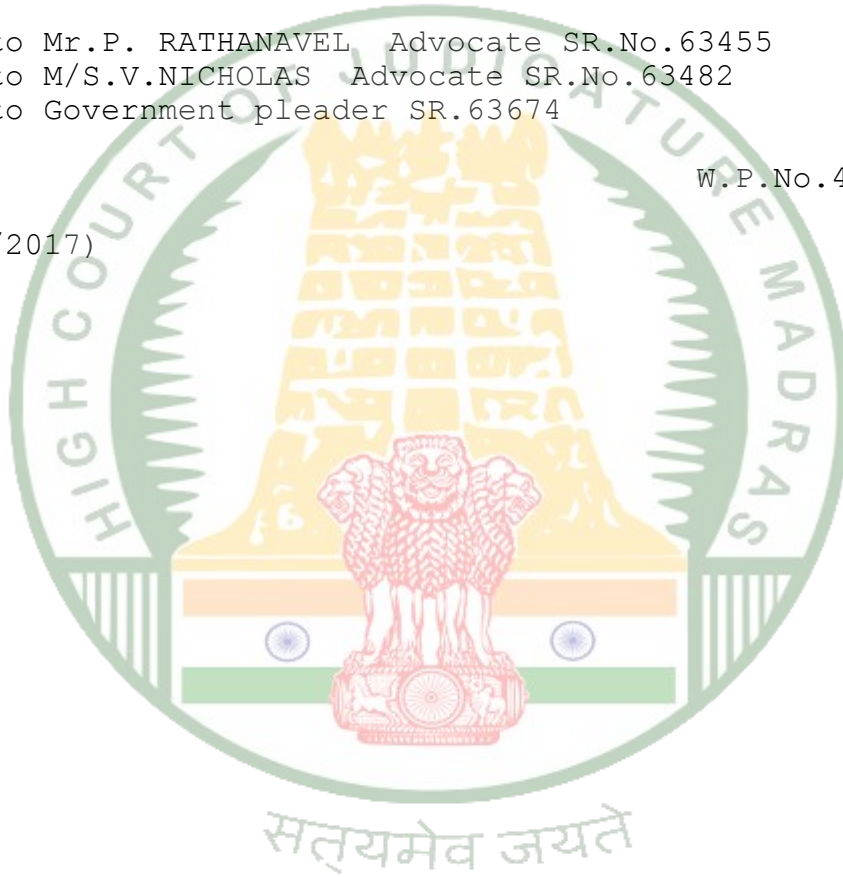
3.The Taluk Surveyor,
Uthangarai Taluk,
Krishnagiri District.

4.The Village Administrative Officer,
Periya Kottakulam Revenue Village,
Uthangarai Taluk, Krishnagiri District.

+ 1 C.C. to Mr.P. RATHANAVEL Advocate SR.No.63455
+ 1 C.C. to M/S.V.NICHOLAS Advocate SR.No.63482
+ 1 C.C. to Government pleader SR.63674

W.P.No.4282 of 2016

VC (28/09/2017)



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