

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10036 of 2018

Mr.Ranganathan
S/o Chinnathambi

..Petitioner

-VS-

1. The District Collector
Office of the District Collector
Thiruvannamalai District
Thiruvannamalai
2. Revenue Divisional Officer
Office of Revenue Division
Cheyyar Town
Thiruvannamalai District
3. The Thasildar
Office of the Thasildar
Vandavasi Taluk
Thiruvannamalai District
4. The Village Administrative Officer
Office of the Administrative Office
Vandavasi Taluk
Thiruvannamalai District
5. Dhayanithi
S/o Varadhan

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent herein to consider and pass orders on the Appeal dated 05.02.2018 of the petitioner filed under the Patta Passbook Act to take effective steps to cancel the falsified patta No.416 issued by the third respondent for the land in Survey No.37/18 of Perugadaputhur Village, Vandavasi Taluk, Thiruvannamalai District issued in the name of an irrelevant person and to issue a fresh patta in the name of the petitioner.

For Petitioner:: Mr.R.Sasikumar

For Respondents::Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1 to 4

ORDER

This writ petition has been filed seeking a mandamus directing the second respondent herein to consider the appeal/representation filed by the petitioner on 05.02.2018 under the Patta Passbook Act to take effective steps to cancel the falsified patta No.416 issued by the third respondent for the land in Survey No.37/18 of Perugadaputhur Village, Vandavasi Taluk, Thiruvannamalai District and to issue a fresh patta in the name of the petitioner.

2. Learned counsel for the petitioner submitted that the land covered in Survey No.37/18 measuring 42 cents in Perugadaputhur village, Thiruvannamalai District was purchased by the petitioner from Mr.Dasarathan on 14.11.2016. Subsequently, his vendor also gave a representation on 4.2.2017 to the Tahsildar to issue patta. Finding no response, the petitioner also gave a further representation on 1.2.2018 to the respondents 1, 3 & 4 with acknowledgment due. Again there was no response or further development on the aforementioned representations. Finally, the petitioner has approached the Revenue Divisional Officer, Cheyyar Town, the second respondent herein to consider the case of the petitioner for issuance of patta in respect of the land covered in Survey No.37/18 measuring 42 cents purchased by the petitioner from his vendor Mr.Dasarathan on 14.11.2016.

3. The encumbrance certificate and the patta issued in favour of the son of the mortgagee Mr.Dhayanithi, S/o Varadan of Perugadaputhur village, Vandavasi Taluk shows that the patta has already been issued in the name of the fifth respondent. The learned counsel also fairly submitted that before the petitioner purchased the property from his vendor Mr.Dasarathan, the same property was the subject matter of mortgage and the patta was obtained by Mr.Dhayanithi, S/o Varadan. That shows that the property has been purchased from his vendor without even seeing the encumbrance recorded in the Sub Registrar's office. In that view of the matter, since Mr.Dhayanithi, S/o Varadan has been shown as the pattadhar, it is not known how the petitioner can maintain his representation before the Revenue Divisional Officer, Cheyyar Town. Secondly, the petitioner or anyone seeking patta should approach only the Tahsildar concerned. On the contrary, instead of approaching the Tahsildar who is the competent authority, the petitioner has wrongly approached the Revenue Divisional Officer, Cheyyar Town. Therefore, this Court, finding that the petitioner has directly approached the appellate authority without approaching the original authority/Tahsildar, is not inclined to entertain the writ

petition. Accordingly, this writ petition is dismissed. The petitioner is at liberty to work out his remedy in the manner known to law. No costs.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

ss
To

1. The District Collector
Office of the District Collector
Thiruvannamalai District
Thiruvannamalai
2. The Revenue Divisional Officer
Office of Revenue Division
Cheyyar Town
Thiruvannamalai District
3. The Thasildar
Office of the Thasildar
Vandavasi Taluk
Thiruvannamalai District
4. The Village Administrative Officer
Office of the Administrative Office
Vandavasi Taluk
Thiruvannamalai District

+1 CC to Govt. Pleader sr 31385.
+1 CC to Mr.R. Sasikumar, advocate sr 30913

W.P.No.10036 of 2018

WEB COPY

SVI (CO)
SP(11/05/2018)