

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.5317 of 2018

and

WMP.No.6541 of 2018

Tmt.Pinky Jain

W/o.Sunil Jain

.. Petitioner

Vs.

1.The Tahsildar  
Chengalpattu Taluk  
Kancheepuram District.

2.K.K.Muzzafar Ahammed

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings Na.Ka.No.2329/2016/A2 dated 02.02.2017 and quash the same and direct the first respondent issue Patta in respect of the land measuring 0 Acre 21.14 cents in S.No.16/AA (Old S.No.16) and measuring 0 Acre 3 cents in S.No.17/7AA (Old S.No.17/7) totaling to 0 Acres 24.14 cents in No.10, Puthur Village, Chengalpattu Taluk, Kancheepuram District.

For Petitioner : Mr.Louisal Ramesh

For Respondents : Mr.B.Anandan  
Government Advocate for R1

O R D E R

Mr.B.Anandan, learned Government Advocate takes notice for the first respondent. Since this writ petition is being disposed of, without affecting the interest of the second respondent, notice to the said respondent is dispensed with.

2. The petitioner is aggrieved against the order of the first respondent Tahsildar dated 02.02.2017, rejecting her request for effecting some change in the Patta.

3. Admittedly, as against the order passed by the first respondent, an appellate remedy lies before the Revenue Divisional Officer, Chengalpattu. Therefore, it is for the petitioner to go before the said Appellate Authority and raise all the contentions before such authority, as raised in this writ petition. Needless to say that the Appellate Authority being the fact finding authority, will have to go into all those aspects and decide the appeal on merits and in accordance with law.

4. Thus, this writ petition is disposed of, without expressing any view on the merits of the claim made by the petitioner, only by granting liberty to the petitioner to file such an appeal before the concerned Appellate Authority namely the concerned Revenue Divisional Officer, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed within the time stipulated by this Court, the concerned Appellate Authority will take up the appeal and decide the same on its own merits and in accordance with law, without reference to the period of limitation, after affording an opportunity of hearing to the petitioner as well as the second respondent and other interested parties, if any. Such exercise shall be done by the said Appellate Authority namely, the concerned Revenue Divisional Officer, within a period of twelve weeks from the date of filing of such an appeal. Since the concerned Revenue Divisional Officer, is not made as a party / respondent in this writ petition, the Registry is directed to mark a copy of the order to the said authority. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Revenue Divisional Officer  
Chengalpattu Taluk, Kancheepuram District.

2.The Tahsildar  
Chengalpattu Taluk, Kancheepuram District.

+lcc to Mr.Louisal Ramesh, Advocate, S.R.No.18156

+lcc to the Government Pleader, S.R.No.18483

W.P.No.5317 of 2018

CS/22/03/18