

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM

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

W.P.No.33528 of 2013

Vadivelu

..Petitioner

.. Vs ..

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Tahsildar,
Dharmapuri,
Dharmapuri District.

3.The Village Administrative Officer,
Thadangam Village,
Dharmapuri District.

4.Zonal Deputy Tahsildar,
Dharmapuri,
Dharmapuri District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent in his proceedings No.O.M.R.D.R.6(1)/3425/2012-13 dated 28.02.2013 and to quash the same and consequently direct the second respondent to issue Patta in favour of the petitioner as requested by the petitioner in his application dated 21.01.2013 for S.No.302/3B & 294/1B of Thadangam Village, Nallampalli Sub-Taluk, Dharmapuri District.

For Petitioner : Mr.A.Kumar
For Respondents: Mr.R.S.Selvam

Government Advocate

O R D E R

The grievances of the writ petitioner is that based on the erroneous facts the claim of the writ petitioner for grant of Patta has been rejected by the Tahsildar.

2.Patta Pass Book can be granted to the owner of the immovable property by following the procedures contemplated

under the Patta Pass Book Act, 1983. In the present case on hand, the writ petitioner submitted an application on 21.01.2013, for grant of patta. However, the same was rejected by the respondent in proceedings dated 28.02.2013, stating that a Civil Suit in O.S.No.65 of 2012 is pending before the Competent Civil Court of law. The learned counsel for the writ petitioner states that the suit referred in the impugned order i.e., I.A.No.147/2012, O.S.No.65/2012 before the District Munsif Court, Dharmapuri is no way connected with the petitioner in the present writ petition. The petitioner is not a party to the said Civil Suit, and therefore, the reference made in this regard by the respondent is erroneous. However, the learned counsel for the petitioner has stated that another Civil Suit in O.S.No.175 of 2006 was filed by one Smt.Pappathi, against the father of the writ petitioner, and the said Civil Suit was dismissed by the District Munsif Court, Dharmapuri on 29.01.2014. The first appeal preferred in A.S.No.14 of 2014, was also rejected by the Subordinate Court, Dharmapuri on 09.06.2017. The learned counsel for the petitioner states that as of now there is no Civil Suit is pending in respect of the property described in the present writ petition.

3.In view of the said submission, the second respondent-Tahsildar has to re-consider the said application submitted by the writ petitioner for grant of Patta. Accordingly, the impugned order passed by the respondent in proceedings No.O.M.R.D.R.6(1)/3425/2012-13 dated 28.02.2013 is quashed. The matter is remand back to the second respondent for re-consideration and for adjudication. Accordingly, the second respondent is directed to adjudicate the matter afresh by affording an opportunity to all the parties concerned, and pass orders on merits, and in accordance with law by following the procedures contemplated under the provisions of the Patta Pass Book Act, 1983, within a period of 12 weeks from the date of receipt of a copy of this order.

4.Accordingly, the writ petition is allowed. However, there shall be no order as to costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

To
1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Tahsildar,
Dharmapuri,
Dharmapuri District.

3.The Village Administrative Officer,
Thadangam Village,
Dharmapuri District.

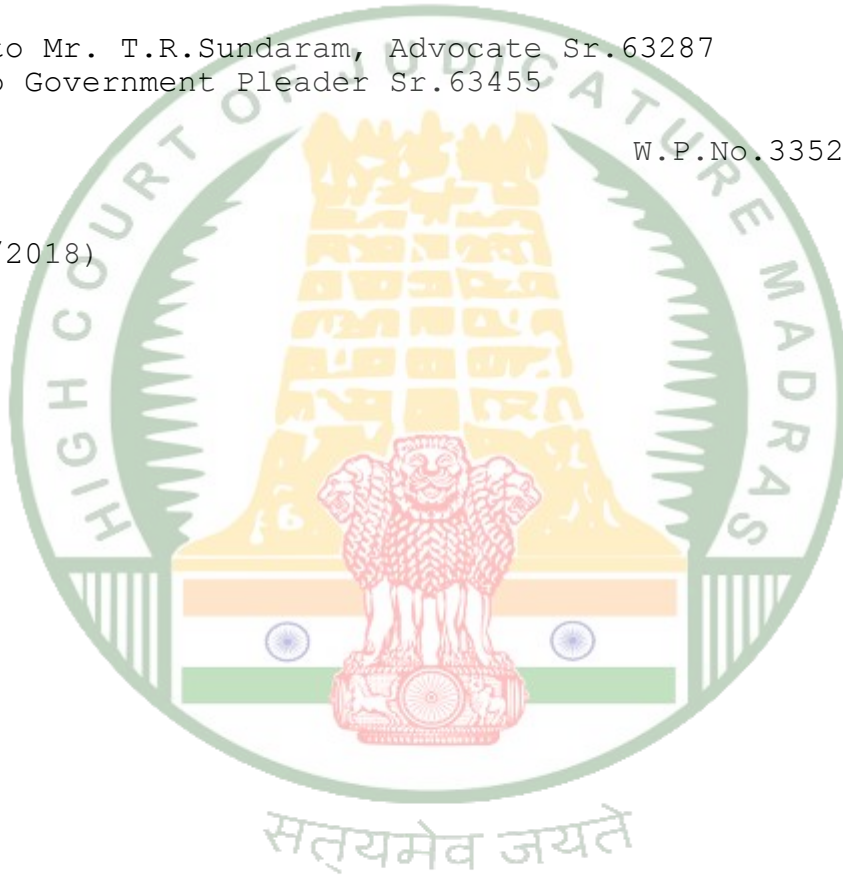
4.Zonal Deputy Tahsildar,
Dharmapuri,
Dharmapuri District.

+ 2 ccs to Mr. T.R.Sundaram, Advocate Sr.63287

+ 1 cc to Government Pleader Sr.63455

W.P.No.33528 of 2013

(CS-DR)
EU (27/09/2018)



WEB COPY