

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.1924 of 2018

Manikandan

... Petitioner

Vs.

1.The Commissioner for Land Administration,
Ezhilagam, Chepauk,
Chennai-5.

2.The District Revenue Officer,
Perambalur District.

3.The Revenue Divisional Officer,
Perambalur District.

4.Thiyakarajan

... Respondents

Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to consider and dispose of the petitioner's representation dated 21.11.2016 made to the first respondent.

For Petitioner : Mr.M.Velmurugan

For R1 to R3 : Mr.E.Balamurugan, AGP

ORDER

The prayer made in this writ petition is to issue a mandamus, directing the first respondent to consider and dispose of the petitioner's representation dated 21.11.2016.

2.It is the case of the petitioner that he has been in possession and enjoyment of the property in S.Nos.32/7C, 32/7A1, 32/4 measuring to an extent of 0.81.50 acres situated at Kezhumathur Village, Kunnam Taluk, Perambalur District, by virtue of the gift deed dated 03.10.2012 executed by his father and obtained patta transfer in his name in respect of the said property. While so, the fourth respondent, who is the brother of the petitioner's father, made a petition on 20.09.2012 to cancel the patta transferred to the name of the petitioner and the said petition was dismissed by the third respondent, vide his proceedings in Na.Ka.No.A2/7593/2012 dated 31.08.2013. Challenging the same, the fourth respondent filed an appeal, which was allowed by the second respondent, vide his proceedings in Na.Ka.No.A2/14994/2013 dated 27.11.2015 to include his name in the patta in respect of the said property. Aggrieved over the same, the petitioner filed a revision in the form of representation dated 21.11.2016 to the first respondent. Since the said revision was not considered so far, the present writ petition came to be filed.

3.Upon notice, the second respondent filed a detailed counter affidavit,

inter alia stating that the issue involved herein is relating to the issuance of patta in favour of the fourth respondent and if the petitioner is aggrieved against the order passed by the competent authority, the proper remedy available to him under the provisions of the Tamil Nadu Patta Pass Book Act, 1983, is to approach the second respondent by filing a revision. It is further stated therein that the first respondent does not have any power to revise the order passed by the respondents 2 and 3.

4. Heard both sides and perused the records.

5. Considering the facts and circumstances of the case and taking note of the limited nature of the relief sought herein, this Court directs the petitioner to approach the second respondent with a copy of the revision dated 21.11.2016 submitted to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On such approach, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner as well as to the fourth respondent, within a period of eight weeks thereafter.

6.Accordingly, this writ petition stands disposed of. No costs.

09.10.2018

Index:Yes/No
rk

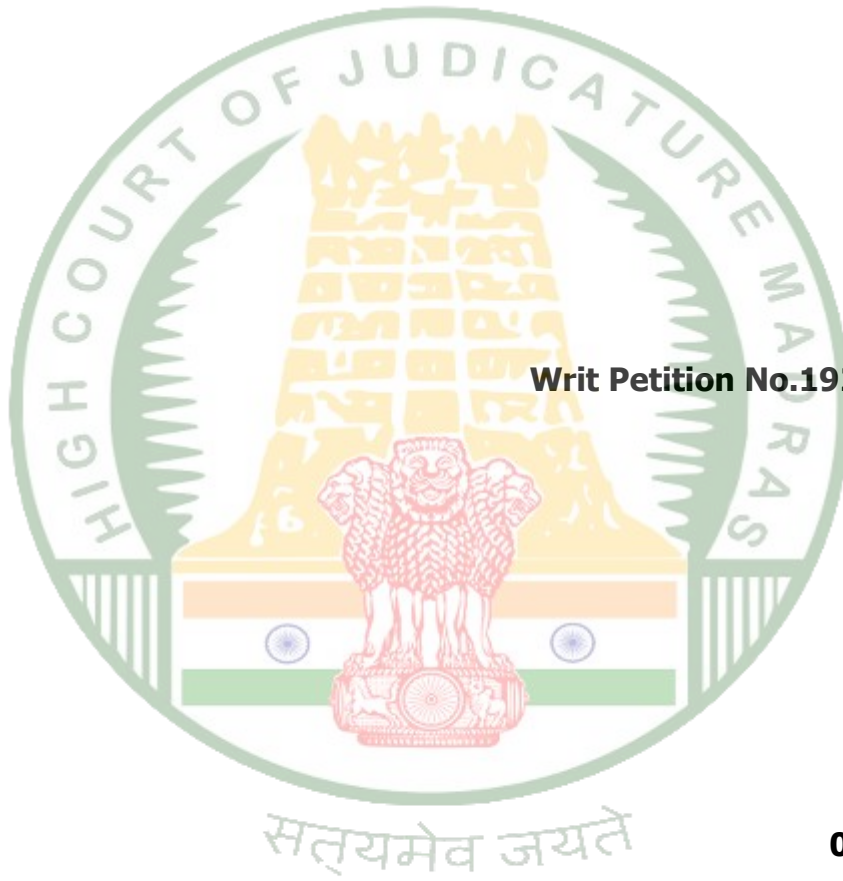
To

- 1.The Commissioner for Land Administration,
Ezhilagam, Chepauk,
Chennai-5.
- 2.The District Revenue Officer,
Perambalur District.
- 3.The Revenue Divisional Officer,
Perambalur District.



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R.MAHADEVAN, J.



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