

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.19491 of 2018

M. Saraswathy

.. Petitioner

versus

1. The Tahsildar,
Annur,
Coimbatore District.

2. The Sub Registrar,
Annur Registrar Office,
Coimbatore.

3. S. Poovathal

4. S. Satheshkumar

5. S. Gowtham

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider petitioner's representation dated 25.01.2018 and cancel patta No.504 for the property measuring an extent of 6.04 acres situated at Pachapalayam, SS Kulam, Coimbatore - 641 107.

For Petitioner : Mr.S.Sivaraman

For RR1 & 2 : Mr.E.Balamurugan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking a direction to the first respondent-Tahsildar to consider petitioner's representation dated 25.01.2018 and cancel patta No.504 for the property measuring an extent of 6.04 acres situated at Pachapalayam, SS Kulam, Coimbatore - 641 107.

2. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 25.01.2018 to the first and second respondents, seeking cancellation of patta No.504 for the property measuring an extent of 6.04 acres situated at Pachapalayam, SS Kulam, Coimbatore - 641 107, but, the same is yet to be disposed of by the first and second respondents. Hence, the petitioner is before this Court.

3. Heard Mr.S.Sivaraman, learned counsel appearing for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader appearing for the respondents 1 & 2.

4. The prayer of the petitioner in the representation dated 25.01.2018 given to the first and second respondents is to cancel patta No.504. The petitioner has to necessarily invoke the appellate remedy provided under Section 12 of the Patta Pass Book Act, 1973, before the Revenue Divisional Officer (R.D.O.), who is the competent authority to decide the appeal with respect to cancellation of patta, whereas, the petitioner had only approached the first and second respondents.

5. Considering the facts and circumstances of the case and having regard to the submissions of both sides, this Court, without expressing any opinion on the merits of the representation, directs the petitioner to give a fresh representation to the Revenue Divisional Officer (R.D.O.) concerned within a period of two weeks from the date of receipt of a copy of this order and on receipt of copy of such representation, the Revenue Divisional Officer (R.D.O.) is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, respondents 3 to 5 herein as well as any of the interested parties and affording them an opportunity of personal hearing. The said exercise shall be completed within a period of four weeks from the date of receipt of the representation from the petitioner, as directed above.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

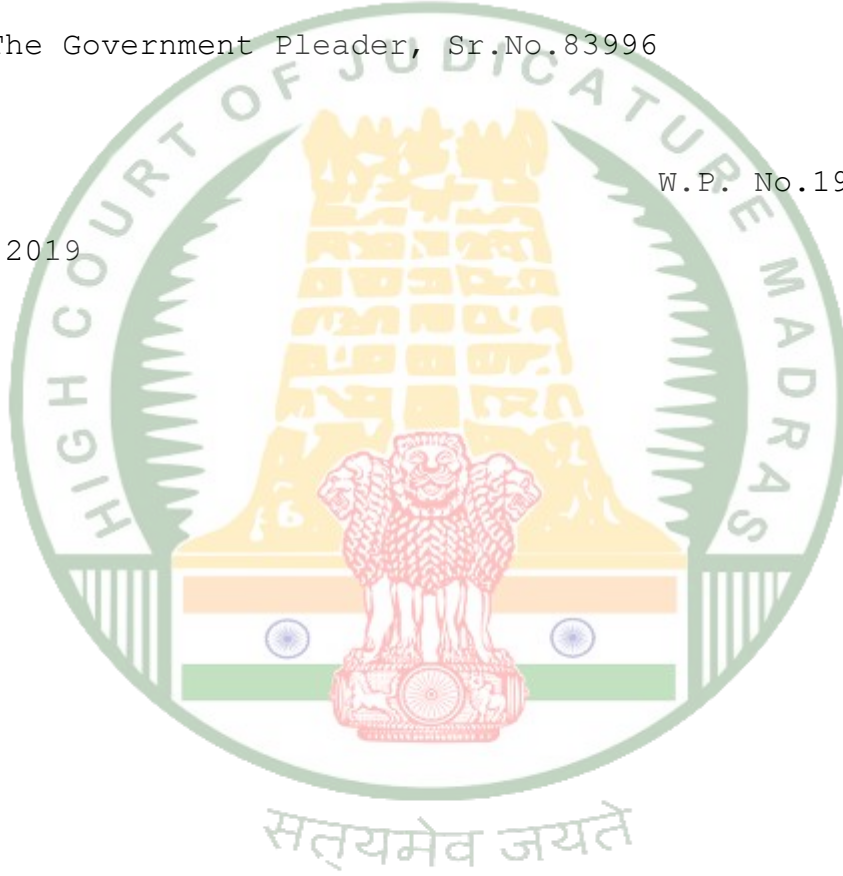
To

1. The Tahsildar,
Annur,
Coimbatore District.
2. The Sub Registrar,
Annur Registrar Office,
Coimbatore.
3. The Revenue Divisional Officer,
Coimbatore.

+1 cc to The Government Pleader, Sr.No.83996

AK (CO)
CSL/04.01.2019

W.P. No.19491 of 2018



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