

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.33475 of 2018

K.V.Unni

.. Petitioner

Vs.

The Tahsildar,
Taluk Office,
Sholinganallur Taluk,
Kancheepuram District

.. Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent vide letter dated 24.05.2018 and quash the same and consequently directing the respondent to issue patta based on petitioner's application dated 19.03.2018 pertaining to petition property situated at Chemmanchery Village, Previously Tambaram Taluk, Now Sholinganallur Taluk, Kancheepuram District, Ganapathi Syndicate Colony, comprised in Survey No.411/2, bearing Plot No.606, measuring an extent of 2884 sq.ft.

For Petitioner : Mr.T.Ramachandran

For Respondent : Mr.V.Shanmugasundar
Special Government Pleader

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus to call for the records of the respondent vide letter dated 24.05.2018, to quash the same and consequently to direct the respondent to issue patta based on petitioner's application dated 19.03.2018 pertaining to petition mentioned property situated at Chemmanchery Village, Previously Tambaram Taluk, Now Sholinganallur Taluk, Kancheepuram District, Ganapathi Syndicate Colony, comprised in Survey No.411/2, bearing Plot No.606, measuring an extent of 2884 sq.ft.

2. According to the learned counsel for the petitioner,

the petitioner has submitted an application on 19.03.2018 to the respondent for issuance of patta enclosing all the relevant documents. After the receipt of the said application, the respondent sent a letter dated 24.05.2018 to the petitioner rejecting the claim of the petitioner, thereby the respondent refused to grant patta in his favour. It is stated that the respondent has issued the said letter without proper verification of the documents submitted by the petitioner. Challenging the said letter dated 24.05.2018 and seeking a direction to the respondent to issue patta in his favour, the petitioner has filed this Writ Petition.

3. Heard Mr.V.Shanmugasunder, learned Special Government Pleader appearing on behalf of the respondent.

4. As already there is an appeal provision under Section 12 of the Patta Pass Book Act, 1973 as against the impugned letter dated 24.05.2018, the petitioner has to necessarily invoke the appellate remedy provided under the Act, before the Revenue Divisional Officer (R.D.O.), who is the competent authority to decide the appeal with regard to issuance of patta.

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 case, directs the petitioner approach the Revenue Divisional Officer (R.D.O.) concerned by filing an appeal, if he is so advised and the appellate authority in turn, is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner 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 filing of such appeal.

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

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Srn

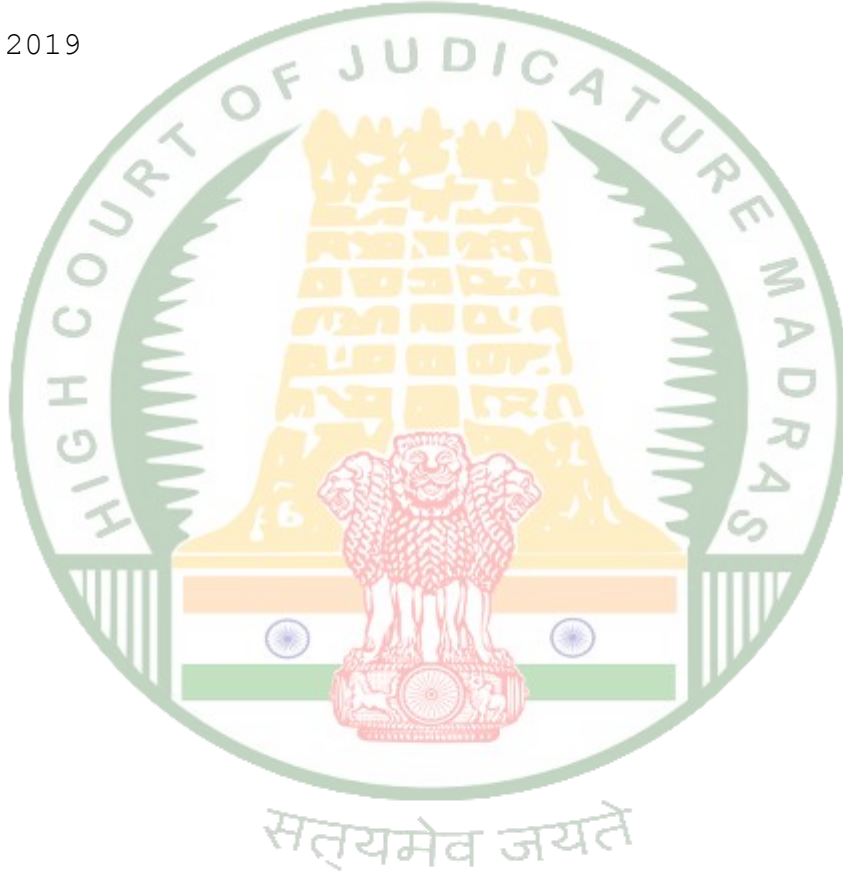
To

The Tahsildar,
Taluk Office,
Sholinganallur Taluk,
Kancheepuram District.

+1 cc to Mr.T.Ramachandran, Advocate Sr.No.88159

W.P.No.33475 of 2018

RR(CO)
CSL/05.02.2019



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