

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3879 of 2019

Mrs.Akshaya Associates,
Rep. by its Partner, G.Madhusudhana Reddy,
A-14 03, AIS Officers Housing Complex,
Natesa Nagar, Virugambakkam,
Chennai 600 092.

.. Petitioner

vs.

1.The District Collector,
District Collectorate,
Villupuram District.

2.The Tahsildar,
Vanur Taluk,
Villupuram District.

3.The Zonal Deputy Tahsildar,
Vanur Taluk,
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of certiorarified mandamus to call for the records of the third respondent which culminated on the impugned order Na.Ka.No.A9/1253/2014 dated 19.05.2015, quash the same and consequently direct the second and third respondents to transfer/issue patta in favour of the petitioner for lands in Vanur Taluk, Villupuram District purchased under the Sale Deeds 899/2007, 900/2007, 927/2007 and 933/2007 all registered at the Office of Joint Sub Registrar, Tindivanam.

For Petitioner : Mr.A.K.Sriram
for Mr.A.S.Kailasam & Associates

For Respondent : Mr.R.Govindasamy
Special Government Pleader

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for respondents. By consent, the writ petition is taken up for disposal at the stage of admission itself.

2. This writ petition is filed setting aside the order of the second respondent, the Tahsildar dated 19.05.2015, refusing to transfer the patta in favour of the petitioner in respect of the subject matter land by stating various reasons therein.

3. Heard Mr.A.K.Sriram, learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader for the respondents.

4. Upon considering the facts and circumstances and also perusing the order passed by the second respondent, this Court is not inclined to entertain the writ petition without going into the merits of the matter only on the reason that the petitioner has to exhaust the statutory appellate remedy before the Revenue Divisional Officer against the order of the second respondent, since such Authority is also a fact finding Authority. Therefore, the petitioner can raise all the contentions as raised in the writ petition before such Appellate Authority. It is seen that the second respondent has passed the order as early as on 19.05.2015 and however, the petitioner has chosen to file the present writ petition nearly after four weeks. In any event, as this Court is not inclined to go into the merits of the claim made by the petitioner and give any finding on the same, since such exercise is the role of the next fact finding Authority, viz., the Revenue Divisional Officer, this writ petition is disposed of only by giving liberty to the petitioner to file an appeal before the 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, the same shall be considered and orders will be passed on merits and in accordance with law, without reference to the period of limitation and also after hearing the petitioner as well as rival claimants, if any. No costs.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

vri

To

1. The District Collector,
District Collectorate,
Villupuram District.

2.The Tahsildar,
Vanur Taluk,
Villupuram District.

3.The Zonal Deputy Tahsildar,
Vanur Taluk,
Villupuram District.

+1 CC to Mr.A.S.Kailasam, Advocate sr 11697.
+1 CC to The Govt. Pleader sr 12311.

W.P.No.3879 of 2019

BR(CO)
SP(06/03/2019)



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