IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15497 of 2016
and
W.M.P.Nos.13427 and 13428 of 2016

G.Ravi .. Petitioner

Vs.

1. The Tahsildar,
   Taluk Office, Vellore Taluk,
   Vellore District.

2. G.Shanmugam

3. S.Baskaran.

4. Sudhakar .. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records from the file of first respondent, Palampakkam Vilalge, Vellore District, Patta No.437 for S.No.90/3B issued in the name of the second respondent dated 04.05.2015 and quash the same.

For Petitioner : Mr.P.Ganapathy

For Respondent-1 : Mr.N.Inbanathan
Additional Government Pleader

For Respondents-2-4 : Mr.S.Arunkumar

O R D E R

The petitioner has come up with this Writ Petition challenging the issuance of patta by the Tahsildar, Vellore/the first respondent herein in favour of one G.Shanmugam/the second respondent herein.

2. The petitioner seems to have filed an application before the Tahsildar on 07.09.2015 for cancellation of patta

issued in favour of the second respondent, since the suit property is the joint family property. But, the first respondent had not taken any action. It appears that the petitioner gave another petition on 25.09.2015 to the District Revenue Officer, which was also not disposed of till today. Hence, the petitioner is before this Court.

3. Though as per Section 12 of the Patta Pass Book Act, 1973, an appeal remedy lies before the Revenue Divisional Officer as against the order passed by the Tahsildar, cancelling issuance of patta, the petitioner has not made the Revenue Divisional Officer as a party to the Writ Petition.

4. As already there is an appeal provision under Section 12 of the said Act, the petitioner is given liberty to approach the Revenue Divisional Officer for cancellation 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 direction, this writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

srn

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The Tahsildar,
Taluk Office, Vellore Taluk,
Vellore District.

2. The Revenue Divisional Officer,
vellore.

+1cc to Mr.P.Ganapathy,Advocate, SR.No. 19256

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Sai(CO)
Kak(04/04/2019)