

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5426 of 2019

A.N.Chandraiyan

... Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by the Deputy Secretary to Government
Revenue and Disaster Management Department
Survey and Settlement Wing
SS.1(2) Section, Secretariat
Chennai-600 009.

2.The District Collector
Salem, Salem District.

3.The Tahsildar
Taluk Office
Hasthampatti, Salem,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to grant patta as requested for by the petitioner vide his representations dated 11.09.2018, 22.10.2018, 02.11.2018 and 24.11.2018.

For Petitioner : Mr.R.Senniappan

For Respondents : Mr.I.Sathish

Additional Government Pleader

O R D E R

Mr.I.Sathish, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The petitioner seeks for a mandamus directing the third respondent to grant patta in his favour, based on his representations dated 11.09.2018, 22.10.2018, 02.11.2018 and 24.11.2018.

4. It is seen from the materials placed before this Court that already the third respondent has passed the order dated 08.10.2018 rejecting the request of the petitioner for grant of patta. Needless to say that as against the said order, the petitioner has to file an appeal before the Revenue Divisional Officer, Salem, which seems to have not been done. Without exhausting such statutory appeal and revisional remedy before the competent authority, the petitioner is not entitled to file this present writ petition, that too, seeking for mandamus as stated supra.

5. Thus, without expressing any view on the claim made by the petitioner, this writ petition is disposed of, only by granting liberty to the petitioner to file such an appeal before the concerned Appellate Authority 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 appropriate orders shall be passed on merits and in accordance with law, after hearing all the parties concerned, within a period of four weeks thereafter.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1.The Government of Tamil Nadu
Represented by the Deputy Secretary to Government
Revenue and Disaster Management Department
Survey and Settlement Wing, SS.1(2) Section,
Secretariat
Chennai-600 009.

2.The District Collector
Salem,
Salem District.

3.The Tahsildar, Taluk Office,
Hasthampatti,
Salem,Salem District.

+1 cc to Mr.K.Senniappan, Advocate Sr.No.17892
+1 cc to The Government pleader, Sr.No.2712

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AD(CO)
CSL/28.02.2019



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