

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.11845 of 2019

K.K.C.Senthilkumar

... Petitioner

Vs

1. The Tahsildar
Jayankondam
Ariyalur District.
2. The Revenue Divisional Officer
Udayarpalayam
Ariyalur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent, Tahsildar, Jayankondam, to dispose of the petitioner's representation dated 18.08.2017 for grant of patta in respect of the petitioner's land bearing Survey No.103/5A comprising of 56.30 Ares in Angarayanallur West within Jayankondam Municipality, Ariyalur District.

For Petitioner : Mr.PL.Narayanan

For Respondent : Mr.S.N.Parthasarathy
Government Advocate

सत्यमेव जयते
O R D E R

Mr.S.N.Parthasarathy, learned Government Advocate 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. This writ petition is filed seeking for a mandamus directing the first respondent to dispose of his representation dated 18.08.2017, wherein and whereby, he sought for issuance of patta in respect of the land bearing Survey No.103/5A, measuring an extent of 56.30 Ares in Angarayanallur West within Jayankondam Municipality, Ariyalur District.

3. Heard Mr.PL.Narayanan, learned counsel for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate for the respondents.

4. Upon hearing the learned counsel for the petitioner and the learned Government Advocate for the respondents and also by perusing the materials placed in the typed set of papers, it is seen that the very same request for grant of patta made by the petitioner's father, by name K.K.Chinnappan was rejected by the Tahsildar, Jayankondam through his proceedings dated 08.07.2013. Though it is stated as if an appeal was preferred against the said order by the petitioner's father, the communication issued by the Public Information Officer, Udayarpalayam, dated 23.03.2018 would show that no such appeal was filed by the petitioner's father.

5. When such being the factual position, I do not think that the petitioner is entitled to make a representation before the very same Tahsildar and seek for grant of patta, when the very same Officer has already rejected the said request on the application made by the petitioner's father. If at all the petitioner is aggrieved, he has to only challenge the order passed by the Tahsildar on 08.07.2013 before the competent Appellate Authority. Without doing so, filing of the present writ petition, that too, seeking for disposal of the petitioner's representation cannot be entertained. Accordingly, this writ petition is disposed of, without expressing any view on the merits of the matter, only by granting liberty to the petitioner to file such an appeal, also by explaining the delay in approaching the Appellate Authority. If any such appeal is filed explaining the delay, the Appellate Authority shall consider and decide the same on its own merits and in accordance with law. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mk

To

1.The Tahsildar
Jayankondam
Ariyalur District.

2.The Revenue Divisional Officer
Udayarpalayam
Ariyalur District.

+1 cc to M/s.PL.Narayanan, Advocate, Sr.No. 39583
+1 cc to The Government Pleader, Sr.No. 39881

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CSL/13.05.2019



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