IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

CORAM

THE HONOURABLE DR. JUSTICE VINEET KOTHARI
and
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.A. No.2060 OF 2019

S.Kumutha .. Appellant / Petitioner

Vs

1. The District Revenue Officer,
Chennai District,
Singaravelar Maligai,
Chennai 600 001.

2. The Tahsildar,
Mylapore Taluk,
PasumponDhevar Road,
Chennai 600 028. .. Respondents / Respondents

PRAYER: Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order dated 19.07.2018 passed by this Court in W.P.No.18302 of 2018 and allow the writ appeal.

Prayer in W.P.No.18302 of 2018: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents herein more particularly the second respondent herein viz the Tahsildar, Mylapore Taluk, Chennai to consider the petitioner's representation dated 05.05.2018 for measured and issue of Sub Division Patta.

For Appellant : Mr.Prakash Goklaney

For Respondents : Mr.R.Udhayakumar
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by DR.VINEET KOTHARI, J.]

The present Intra Court Appeal is filed against the order of the learned Single Judge, dismissing the writ petition of the petitioner by which, the petitioner sought a mandamus direction to the respondent Tahsildar, Mylapore Taluk, Chennai, for considering her representation dated 05.05.2018, which was filed before the said Authority to consider the case of the petitioner for issuance of patta in respect of the property, which is said to have been purchased by the petitioner under the sale deeds dated 06.07.2014 and 14.12.2017.

2. In respect of the two sale deeds dated 06.07.2014 and 14.12.2017, it appears that immediately after filing the said representation to the Tahsildar on 05.05.2018, the present writ petition was filed before the learned Single Judge on 25.06.2018, within 1 1/2 months of filing of the representation. The learned Single Judge, after recording the statement of the learned Additional Government Pleader that for securing the patta in respect of the said sale deeds, the petitioner is either to produce the original title deeds viz., either patta or sale deed issued in favour of the immediate vendor or previous vendor purportedly to prove the chain of title in favour of the petitioner and without the same being produced, the mandamus prayer as sought for, cannot be granted and therefore, the writ petition was liable to be dismissed.

3. Having heard the learned counsel for the Appellant/Petitioner, we are of the considered opinion that the present Intra Court Appeal is without any merits and deserves to be dismissed.

4.It is basic requirement for securing any patta from the competent Authority of the Revenue Department to produce the concerned conveyance deeds before the said Authority establishing the chain of title in favour of the Petitioner/Applicant to secure a patta in respect of the said property. The concerned Authority has to hold an enquiry in the matter and then pass appropriate orders, either directing issuance of the patta in respect of the said property or negativing the same for the reasons to be assigned by the said Authority in the order. We do not find that any reasonable time was allowed to the concerned Tahsildar/Respondent in the present case. No follow up representation or reminder after 05.05.2018, seems to have been filed or given to the concerned Authority nor any enquiry apparently appears to have been held by the said Authority in the present case.

5. Approaching the High Court under Article 226 of the Constitution of India in such cases for expediting or cutting short that process cannot be encouraged. The process of Writ jurisdiction cannot be abused for issuing such apparently innocuous mandamus direction, which may interfere with the normal course of enquiry of such competent authorities. In other words, the High Court in the Writ jurisdiction cannot be converted into Post Offices for redirecting such representations

to be decided by the competent Authorities in a time frame or out of turn. Unless there is a deliberate delay caused by the concerned Authority and the inaction on the part of the public Authorities, is palpable or malafide, the jurisdiction of the High Court under Article 226, does not even deserve to be invoked in such cases.

6. We do not find any error in the order passed by the learned Single Judge, wherein the learned Single Judge observed that in the absence of these basic documents having been produced, the learned Thasildar could not be directed by way of a mandamus, as prayed for. Even before this Court, except the sale deed in favour of the present Petitioner/Appellant, the sale deed in favour of the previous vendor has not been produced, which could have initiated the appropriate enquiry at the hands of the Tahsildar for issuance of such patta. With the incomplete documents bringing the chain of title in favour of the petitioner on record, we do not appreciate the prayer made before the learned Single Judge for such a mandamus direction in the present case, particularly, just after a short period of making of such representation before the concerned Tahsildar.

7. Therefore, we are not inclined to interfere with the order passed by the learned Single Judge and we leave it free for the Appellant/Petitioner to pursue her remedy before the concerned Revenue Authority only.

With these observations, the Writ Appeal is dismissed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

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Sub Assistant Registrar

To

1. The District Revenue Officer,
   Chennai District,
   Singaravelar Maligai,
   Chennai 600 001.

2. The Tahsildar,
   Mylapore Taluk,
   PasumponDhevar Road,
   Chennai 600 028.

W.A.No.2060 of 2019

BR(CO)
SSM(14/08/2019).