

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.12573 OF 2014

Pappayee

...Petitioner

Versus

1. The District Collector,
Namakkal District,
Namakkal.
2. The District Revenue Officer,
Namakkal District,
Namakkal.
3. K.Thangarasu,
Deputy Tahsildar,
Tiruchengode Taluk,
Namakkal District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 & 2 to consider and dispose of the petitioner's representation dated 28.02.2014 on merits within the time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.Arun Dattan
for Mr.C.Munusamy

For Respondents - 1 & 2 : Mr.V.Shanmugasundar,
Spl. Govt. Pleader

Respondent - 3 : Mr.V.P.K.Gowtham

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 & 2 to consider and dispose of the petitioner's representation dated 28.02.2014 on merits within the time frame to be fixed by this Court.

2. The petitioner has an ancestral property comprised in S.Nos.142 & 143/2 bearing Patta No.553 situated at Esankadu, Minnampalli, Kalipalayam village. His parents have expired, leaving behind himself and his brother, Ponnusamy as legal heirs.

3. It is the case of the petitioner that the third respondent had changed the Patta only in the name of petitioner's brother. One Veerammal has filed a Civil Suit in O.S.No.150 of 2008 on the file of the District Munsif cum Judicial Magistrate, Paramathy claiming ownership over the property and the same was dismissed vide judgment and decree dated 29.03.2012. Based on the said judgment and decree, the name of Veerammal was deleted from the Revenue Records as early as on 27.12.2012. However, the third respondent, who was working as Deputy Tahsildar, Paramathy Velur Taluk had changed the Patta in the name of Veerammal felicitating her to register a settlement deed in favour of her son, Swaminathan before the Sub-Registrar, Paramathy Velur on 10.09.2013. Hence, the petitioner made a representation to the higher authorities narrating the illegality committed by the third respondent who was then working as Deputy Tahsildar, Paramathy Velur Taluk, Namakkal District on 28.02.2014. Besides the above representation, on the very same date, the petitioner also made a representation to the respondents 1 & 2 but so far the same was not considered by the respondents 1 & 2. Therefore, left with no other alternative, the petitioner has filed the present writ petition for the relief stated supra.

4. The learned counsel appearing for the petitioner submitted that though the representation regarding the illegal act of then working as Deputy Tahsildar, Paramathy Velur Taluk, Namakkal District was made way back in the year 2014 itself, but, till date, the respondents 1 & 2 have not taken any action against the said Official. Therefore, the learned counsel prays appropriate direction may be issued to the respondents 1 & 2 to dispose of the representation of the petitioner.

5. The learned Special Government Pleader appearing for the respondents 1 & 2 submitted that the joint Patta stands in the name of Veerammal and petitioner's brother Ponnusamy & other. If the petitioner's claim is that he is the owner of the property and the Patta has to be issued in his name, he can file an Appeal before the Appellate Authority under the provisions of Patta Pass Book Act otherwise he cannot seeking for cancellation of the said Patta.

6. Heard the learned counsel for petitioner and the learned Special Government Pleader for respondents 1 & 2.

7. In view of the submission made by the learned Special Government Pleader for respondents 1 & 2, coupled with the further fact that the petitioner's allegation against the third respondent is that the third respondent who had changed the Patta in the name of Veerammal & Ponnusamy, but the petitioner has not yet filed any documents before this Court to show that he is challenging the aforesaid joint Patta granted in the name of Veerammal & his brother, Ponnusamy and further, in the absence of any proof or material evidence, this Court cannot grant the relief sought for by the petitioner. Hence, this Writ Petition is dismissed. However, liberty is granted to the petitioner to seek his remedy before the appropriate forum for cancellation of Patta granted in the name of said Veerammal & his brother, Ponnusamy. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The District Collector,
Namakkal District,
Namakkal.
2. The District Revenue Officer,
Namakkal District,
Namakkal.

+1cc to Mr.Arun Dattan, Advocate, S.R.No.31893
+1cc to the Government Pleader, S.R.No.32001

W.P.No.12573 of 2014

LN(CO)
CS/05/07/2019

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