



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **22.08.2019**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18100 of 2019

and

W.M.P. (MD) No.14548 and 14549 of 2019

P.Rangarajan

... Petitioner

-Vs-

1.The District Collector ,
Collectorate,
Tiruchirappalli.

2.The District Revenue Officer,
Tiruchirappalli District,
Collectorate, Tiruchirappalli.

3.The Tahsildar,
Manachanallur Taluk,
Taluk Office,
Manachanallur,
Tiruchirappalli District.

4. Rangasamy

5. Kanchana

6.The Sub Registrar,
Srirangam Sub Registration Office,
Srirangam, Trichy

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, Calling for the records pertaining to the impugned patta No.464 issued by the 3rd respondent in favour of the 4th respondent and quash the same and consequently directing the 3rd respondent to conduct proper enquiry and physical measurement.

For Petitioner
For R1 to R3&6

: Mr.R.Narayanan
: Mr.M.Murugan, G.A.



ORDER

The prayer in this writ petition is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned patta No.464 issued by the 3rd respondent in favour of the 4th respondent and quash the same and consequently directing the 3rd respondent to conduct proper enquiry and physical measurement and pass order on petitioner's representation dated 25.07.2019 in accordance with law.

2.Heard Mr.R.Narayanan, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 3. Since no adverse order is going to be passed against the respondents 4 and 5, notice to them is dispensed with.

3.In respect of the property at natham old S.No.524/1 and new S.No.524/20 under patta No.317 to the extent of 2906 sq. ft in Veerani Village, Manachanallur Raluk, Tiruchirappalli District, it seems that a patta No.464 has been issued by the 3rd respondent in patta dated nil., where, according to the petitioner, the name of the 4th respondent has been wrongly included. Therefore, challenging the said patta issued by the 3rd respondent, the petitioner has moved this writ petition before this Court.

4.The learned counsel appearing for the petitioner would submit that, as against the wrong issuance of patta with wrong measurement, appeal would lie before the Revenue Divisional Officer. Therefore, an appeal by way of representation has been given on 25.07.2019 by the petitioner to the Revenue Divisional Officer concerned. However, in the address column of the said representation, it has been wrongly mentioned as Tahsildar, Lalgudi, whereas, the 3rd respondent is the Tahsildar. The Revenue Divisional Officer having jurisdiction at Lalgudi has been wrongly mentioned as Tahsildar. Anyhow, a representation has been given on 25.07.2019. Therefore, the learned counsel appearing for the petitioner wants that, if the said appeal/representation be decided by the Revenue Divisional Officer and till such decision is made, no further meddling with the impugned patta to transfer the same to third party, pursuant to the alleged sale taken place between the 4th respondent and some other third party and if these orders are passed by this Court, the petitioner would be satisfied.

5.I have heard the learned Government Advocate appearing for the respondents, who would submit that, as against the impugned patta, if at all the petitioner has got any grievances under Patta Pass Book Act, he can file appeal before the Revenue Divisional Officer concerned. Herein, in this case, the Revenue Divisional Officer, Lalgudi is the appellate authority. However, the



representation dated 25.07.2019 has been addressed to the Tahsildar, Lalgudi. Therefore, if the same representation with correct address to the Revenue Divisional Officer is once again given by the petitioner, the same would be decided by the Revenue Divisional Officer concerned.

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6.The learned Government Advocate would further submit that, the Revenue Divisional Officer since is not a party in this writ petition, suitable direction to that effect can also be given in this writ petition.

7.I have considered the submissions made by both sides and perused the materials placed before this Court.

8.Having regard to the same, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

"Let the petitioner make a representation/appeal afresh to the Revenue Divisional Officer, Lalgudi, who is the appellate authority against the impugned patta, immediately, and along with the same, it is open to the petitioner to make a plea for an interim arrangement or interim order with regard to the further transfer of patta from the 4th respondent to any other third party as alleged by him and if such appeal with the prayer for interim relief is filed by the petitioner, the same shall be considered by the Revenue Divisional Officer, Lalgudi, Trichirappalli District, within a period of 8 weeks from the date of receipt of a copy of this order, after giving opportunity of being heard to the petitioner as well as the private respondents i.e., respondents 4 and 5 by sending them separate notices. In respect of the interim relief to be sought for by the petitioner, it is open to the Revenue Divisional Officer concerned to decide the same immediately, if need arises to that effect."

9.With this observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)



To

1.The District Collector,
Collectorate,
Tiruchirappalli.

2.The District Revenue Officer,
Tiruchirappalli District,
Collectorate, Tiruchirappalli.

3.The Tahsildar,
Manachanallur Taluk,
Taluk Office,
Manachanallur,
Tiruchirappalli District.

+1 CC to Mr.R.NARAYANAN, Advocate (SR-83123[F] dated 22/08/2019)

+1 CC to SPL GP (SR-83307[F] dated 26/08/2019)

Order made in

W.P. (MD) No.18100 of 2019

Dated:**22.08.2019**

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MK (14 .10.2019) 4P 6C