



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.22718 of 2019

and

W.M.P (MD)No.19462 of 2019

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... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The District Revenue Officer,
Theni District.

3.The Revenue Divisional Officer,
Periyakulam, Theni District.

4.The Thasildar,
Aundipatti Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned online order dated 27.09.2019 passed by the fourth respondent thereby rejecting petitioner's online application bearing No.2019/0105/25/022933 dated 18.03.2019 and quash the same consequently direct the fourth respondent to issue separate patta in his name within a time limit as fixed by this Court.

For Petitioner : Mr.P.Sivachandran

For Respondents : Mr.M.Pandiarajan,
Government Advocate.

ORDER

Mr.P.Sivachandran, learned counsel on record for writ petitioner and Mr.M.Pandiarajan, learned Government Advocate, who accepts notice on behalf of all four respondents are before this Court.

2. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.



3. In the instant Writ Petition, an order dated 27.09.2019 made by the fourth respondent bearing கோப்பு எண் : 2019/0105/25/022933' (hereinafter referred to as 'impugned order' for brevity) has been called in question.

4. There is no dispute or disagreement before this Court that the impugned order has been made by the fourth respondent in exercise of power under Section 10 of the 'Patta Pass Book Act, 1983 (Tamil Nadu Act 4 of 1986) read with 'Tamil Nadu Patta Passbook Rules, 1987' (hereinafter referred to as 'said Act' and 'said Rules' respectively for brevity). There is also no dispute or disagreement that there is an alternate remedy available to writ petitioner against the impugned order by way of an appeal to third respondent ie., jurisdictional 'Revenue Divisional Officer' (hereinafter referred to as 'RDO' for brevity) under Section 12 of the said Act. When this was pointed out by learned State Counsel, learned counsel for writ petitioner submits that he abridges and limits the prayer (notwithstanding very many averments made in the affidavit filed in support of the writ petition, notwithstanding very many contentions / urged in the affidavit filed in support of instant writ petition) and further submits that an appeal has already been sent to third respondent being vide letter dated 03.10.2019, though it is in the form of a representation.

5. Learned counsel for writ petitioner submits that in view of the abridged / restricted prayer, it will suffice if the third respondent is directed to treat the aforesaid representation dated 03.10.2019 as an appeal under Section 12 of the said Act and dispose of the same.

6. In the light of the abridged prayer and limited scope of instant writ petition now, instant Writ Petition is disposed of directing the third respondent to treat the aforementioned representation dated 03.10.2018 (page Nos.20 and 21 of the typed set of papers forming part of the case file) as statutory appeal under Section 12 of the said Act and dispose of the same on its own merits and in accordance with law more particularly in accordance with provisions of said Act and said Rules thereunder and in any event, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Though obvious, it is made clear that third respondent has to put on notice any other person/s interested in the appeal and give reasonable opportunity to such person/s.

8. The proceeding / order of disposal shall be communicated by the office of the third respondent to the writ petitioner under due acknowledgement within seven (7) working days from the



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completion of aforesaid exercise. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The District Collector,
Theni District.
- 2.The District Revenue Officer,
Theni District.
- 3.The Revenue Divisional Officer,
Periyakulam,
Theni District.
- 4.The Thasildar,
Aundipatti Taluk,
Theni District.

+1 CC to M/s.P.SIVACHANDRAN, Advocate (SR-94684[F] dated 25/10/2019)

+1 CC to M/s.SPL GP (SR-94903[F] dated 30/10/2019)

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