

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.23627 of 2012

D.Bharathi

... Petitioner

Vs.

1.The Revenue District Officer,
Sub Collector (Incharge),
Ranipet, Vellore District.

2.The Tahsildar,
Arakkonam Taluk, Vellore District.

3.Suguna

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 25.05.2012 and thereby direct the respondents 1 and 2 to cancel the patta standing in the name of the 3rd respondent in respect of the property situated at Survey No.387/3 at Mulvai Village, Arakkonam Taluk, Vellore District to an extent of 3 acres of land immediately and issue patta in the petitioner's wife Smt.Shanthi name.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents: Ms.A.Madhumathi,

Special Government Pleader (R1 & R2)

Mr.Y.Bhuvanesh Kumar (R3)

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 25.05.2012 and thereby direct the respondents 1 and 2 to cancel the patta standing in the name of the 3rd respondent in respect of the property situated at Survey No.387/3 at Mulvai Village, Arakkonam Taluk, Vellore District to an extent of 3 acres and issue patta in the name of the petitioner's wife Smt.Shanthi.

2.On a perusal of the representation dated 25.05.2012 given by the petitioner, it could be seen that the petitioner is

seeking for cancellation of the patta. When the petitioner has got remedy by way of an appeal under Section 12 of the Patta Pass Book Act seeking for cancellation of patta, the respondents 1 and 2 cannot cancel the patta based on the representation dated 25.05.2012.

3.Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner may be given liberty to file an appeal as against the issuance of patta in the name of the 3rd respondent and the Appellate Authority may be directed to dispose of the appeal as expeditiously as possible.

4.The learned counsel for the petitioner also submitted that the petitioner would file an appeal as against the issuance of patta in the name of the 3rd respondent. The learned counsel for the 3rd respondent also has no objection for giving such liberty to the petitioner.

5.Having regard to the submissions made by the learned counsel on either side, since the petitioner has got remedy by way of an appeal under Section 12 of the Patta Pass Book Act, it is open to the petitioner to file an appeal before the Appellate Authority as per the provisions of the Act. In such view of the matter, the Writ Petition is dismissed. In the event of the petitioner filing an appeal before the Appellate Authority, the Appellate Authority shall decide the same on merits and in accordance with law, after giving an opportunity of hearing to the petitioner as well as to the 3rd respondent. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Revenue District Officer,
Sub Collector (Incharge),
Ranipet, Vellore District.

2.The Tahsildar,
Arakkonam Taluk, Vellore District.

+1 cc to Government pleader sr24666

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