



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14139 of 2011

L.Natarajan

... Petitioner

Vs

The Tahsildar,
Taluk Office, Oddanchatram,
Dindigul District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the impugned memo dated 23.05.2011 issued by the respondent in RTR No.226/10/SD and to direct the respondent to conduct enquiry and pass orders in accordance with the provisions of Tamil Nadu Patta Pass Book Act, 1983, on the basis of representation dated 06.02.2011 given by the petitioner.

For Petitioner	:	Mr.S.Anand Chandrasekar for M/S.Sarvabhauman Associates
For Respondent	:	Mr.R.Sethuraman Special Government Pleader

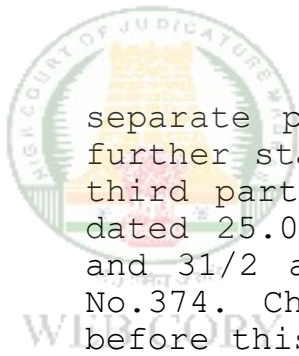
ORDER

Challenging the memo dated 23.05.2011 issued by the respondent in RTR No.226/10/SD, the present writ petition has been filed.

2.According to the petitioner, originally, the property in S.No.31 situated at Oddanchatram Village, belonged to a registered society, namely, Saiva Samarasa Suttha Sanmarkka Sabha. By way of exchange deed and a sale deed dated 14.06.2004 and 01.12.2006 respectively, the aforesaid property has been sold to one Muthuraman and after the purchase, the property has been sub divided as S.Nos.31/1 and 31/2.

3.On 12.02.2007, by way of registered sale deed, the said Muthuraman sold the property in S.No.31/2 to one Jeyanthi, who in turn, sold the aforesaid property, by way of registered sale deed dated 30.09.2009 to the petitioner. In order to effect mutation of revenue records in favour of the petitioner in respect of the aforesaid property, the petitioner made an application dated 31.12.2009 before the respondent. So far, no action has been taken by the respondent.

4.At this juncture, the respondent had passed the impugned memo dated 23.05.2011, wherein, it had been stated that the subdivision in respect of the property in S.No.31 cannot be effected and



separate patta cannot be issued to the petitioner. It had been further stated that on the basis of the complaint given by the some third parties, the Revenue Divisional Officer, Palani, by an order dated 25.08.2008, has cancelled the entries relating to S.Nos.31/1 and 31/2 and directed to restore the entries as already in Patta No.374. Challenging the memo dated 23.05.2011, the petitioner is before this Court.

5.The learned counsel appearing for the petitioner would submit that without affording any opportunity to the petitioner, the respondent had passed the impugned memo dated 23.05.2011, cancelling the patta granted in favour of the said Muthuraman and that therefore, the impugned memo dated 23.05.2011, is liable to be quashed.

6.The learned Special Government Pleader appearing for the respondent would submit that based on the objection given by "Saiva Samarasa Suttha Sanmarkka Sabha", the respondent had rejected the claim of the petitioner, relating to issue separate patta in respect of the property in S.No.31/2.

7.Heard the learned counsels on either side and perused the records carefully.

8.On perusal of the impugned memo dated 23.05.2011, it is clearly seen that based on the order of the Revenue Divisional Officer, Palani, dated 25.08.2008, the respondent had passed the impugned memo dated 23.05.2011 and had refused to grant separate patta in respect of the property in S.No.31/2. The conduct of the petitioner in approaching this Court, without challenging the order of the Revenue Divisional Officer, Palani, dated 25.08.2008, cannot be accepted.

9.In the light of the above, the impugned memo passed by the respondent dated 23.05.2011 does not warrant any interference of this Court and accordingly, this Writ Petition is liable to be dismissed and the same is dismissed. However, it is open to the petitioner to challenge the order dated 25.08.2008 before the appropriate forum, if he is so advised. No costs.

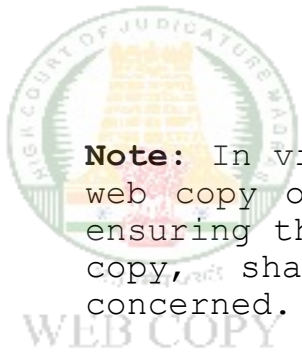
Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Tahsildar,
Taluk Office, Oddanchatram,
Dindigul District.

+1 CC to M/s.GP (SR-13488[F] dated 31/07/2020)

W.P. (MD) No.14139 of 2011
30.07.2020

SPU(25.08.2020) 3P 3C