

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No.11941 of 2011

N.Kumar

...Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Salem.

2. District Revenue Officer,
Office of the District Revenue Officer,
Salem.

3. Tahsildar,
Office of the Tahsildar-Mettur Taluk,
Salem.

4. J.Suresh

5.K.V.Bhaskar

... Respondents

6.
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Patta No.2834, 2714 dated 18.11.2010 passed by the third respondent to fourth respondent and quash the same and consequently direct the second respondent to consider issuance of patta in favour of the petitioner as per his letter dated 07.02.2011.

For Petitioner : Mr.S.S.Rajesh

For R1 to R3 : Mr.Richardson Wilson
Government Advocate

For R4 : Mr.R.Nalliappan

For R5 : Mr.P.J.Bency Surile Singh Dhas

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Patta No.2834, 2714 dated 18.11.2010 passed by the third respondent to fourth respondent and quash the same and consequently direct the second respondent to consider issuance of patta in favour of the petitioner as per his letter dated 07.02.2011.

2. Heard, Mr.S.S.Rajesh, the learned counsel appearing for the petitioner, Mr.Richardson Wilson, Government Advocate appearing for the respondents 1 to 3, Mr.R.Nalliappan, the learned counsel appearing for the fourth respondent and Mr.P.J.Bency Surile Singh Dhas, the learned counsel appearing for the fifth respondent and perused the materials available on record.

3. It is seen from the records that the third respondent issued patta on 18.11.2010 in favour of the fourth respondent herein, whereas, according to the petitioner, he purchased the property from the fifth respondent by a registered sale deed dated 08.09.2010 vide document No.3185 of 2010.

4. However, there is an appeal remedy as against the issuance of patta by the third respondent under Section 12 of the Patta Pass Book Act. When there is an appeal remedy, this Court is not inclined to entertain this writ petition under Article 226 of the Constitution of India.

5. In view of the above, the Writ Petition stands dismissed. However, the petitioner is at liberty to file an appeal as against the order passed by the third respondent under Section 12 of the Patta Pass Book Act. The period of pendency of the writ petition may be excluded while calculating the period of limitation to file an appeal. On receipt of the appeal, the authority concerned is directed to dispose of the same within a period of twelve weeks, thereafter. No cost.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The District Collector,
Office of the District Collector,
Salem.

2. District Revenue Officer,
Office of the District Revenue Officer,
Salem.

3. Tahsildar,
Office of the Tahsildar-Mettur Taluk,
Salem.

+2ccs to Mr.S.S.Rajesh, Advocate, S.R.No.38697
+1cc to the Government Pleader, S.R.No.38806

W.P. No. 11941 of 2011

VBM(CO)
CT(21/09/2021)