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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.15160 OF 2011

AND

M.P.NO.2 OF 2011

A.Charles Trim

...Petitioner

Vs

1. The District Collector,
Chennai Collectorate,
Chennai - 600 001.

2. The District Revenue Officer,
Chennai Collectorate,
Chennai - 600 001.

3. The Tahsildar,
Egmore-Nungambakkam Taluk,
Egmore, Chennai - 600 008.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the proceeding on the file of the third respondent in N.K.A.2/21742/2001 dated 27.04.2011 passed by the third respondent and quash the same and direct the respondents to issue patta in favour of the petitioner for his land situated at Old No.5, New No.11, Sourashtra Nagar, First Street, Choolaimedu, Chennai - 600 094.



For Petitioner : Mr.David Tyagaraj

For Respondents : Mr.Richardson Wilson
Government Advocate

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O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the proceeding on the file of the third respondent in N.K.A.2/21742/2001 dated 27.04.2011 passed by the third respondent and quash the same and direct the respondents to issue patta in favour of the petitioner for his land situated at Old No.5, New No.11, Sourashtra Nagar, First Street, Choolaimedu, Chennai - 600 094.

2. The petitioner filed an application seeking patta in pursuant to the settlement deed executed by his father dated 19.11.1987 registered vide document No.4591/1987 with the office of the Sub Registrar, Kodambakkam, Chennai. His father owned larger extent of property, in which, part of the property was settled in favour of the petitioner herein. On receipt of the application, the third respondent did not pass any order and as such, the petitioner filed a writ petition before this Court in W.P.No.16731 of 2009 and this Court, by an order dated 19.08.2009, directed the third respondent to pass order in accordance with law within the period of two months from the date of receipt of a copy of that order.

3. Thereafter, the third respondent did not comply the order passed by this Court and as such, the petitioner filed contempt petition in Cont.P.No.1133 of 2010. On receipt of the notice in the contempt petition, the third respondent issued notice to the petitioner. Thereafter, the third respondent rejected the request made by the petitioner for the reason that the land in question is classified as Government Poramboke and as such, the petitioner is not entitled for patta. The petitioner, without filing an appeal as provided under Section 12 of the Patta Pass Book Act straight away, has filed the present writ petition. This Court is not inclined to entertain this writ petition and as an appeal remedy is available under



Section 12 of the Patta Pass Book Act. Therefore, the Writ Petition is devoid of merits.

4. In view of the above, the Writ Petition stands dismissed. However, the petitioner is at liberty to file an appeal under Section 12 of the Patta Pass Book Act as against the order passed by the third respondent within a period of two weeks from the date of receipt of a copy of this order with all supportive documents. 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 same, the Appellate Authority is directed to dispose of the appeal within a period of twelve weeks thereafter. Consequently, connected Miscellaneous Petition is closed. No cost.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

Lpp

To

1. The District Collector,
Chennai Collectorate,
Chennai - 600 001.

2. The District Revenue Officer,
Chennai Collectorate,
Chennai - 600 001.

3. The Tahsildar,
Egmore-Nungambakkam Taluk,
Egmore, Chennai - 600 008.

+1cc to Mr.David Tyagaraj, Advocate, S.R.No.38735
+1cc to the Government Pleader, S.R.No.38807

W.P. No.15160 of 2011 and
M.P.No.2 of 2011

GPL(CO)
RLP(21/09/2021)