



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14871 of 2012
and M.P.No.1 of 2012

1.Lalitha Krishnamoorthy
2.Dr.K.Ramani
3.K.Rohini

...Petitioners

-vs-

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2. The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

3. The Commissioner of Land Administration,
Government of Tamil Nadu,
Chepauk,
Chennai - 600 005.

4. The District Collector,
Collectorate Building,
Chennai - 600 001.

5. The Tahsildar,
Mambalam - Guindy Taluk,
Jafferkhanpet, Chennai.

6. Mr.Abith Hussain,
Tahsildar,
Mambalam - Guindy Taluk,
Jafferkhanpet, Chennai.

7. Mangayarkarasi

8. V.R.S.Natarajan

... Respondents



Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the issuance of patta in favour of the 7th respondent by 5th respondent vide Patta / Certificate bearing C.A.No.539 of 2012, No.13, Velachery Village, Block No.189, dated 16.04.2012 and quash the same and consequently direct the 5th respondent to consider the application of the petitioners dated 05.09.2011 for granting patta in respect of their property comprised in Plot Nos.223 and 224 in Bhuvaneshwari Nagar Layout, 137, Velachery Village in Survey No.317/1, measuring about 3 grounds and 450 sq.ft.

For Petitioners	:	Mr.D.Parthasarathy
For Respondents	:	Mr.D.Harsha Raj
1 to 5		
For Respondent 7	:	Mr.R.Manimuthy
For Respondent 8	:	Mr.K.Chandrasekaran
		R6 - Notice Served

O R D E R

This Writ Petition is filed to issue a writ of certiorarified mandamus to call for the records relating to the issuance of patta in favour of the 7th respondent by 5th respondent vide Patta / Certificate bearing C.A.No.539 of 2012, No.13, Velachery Village, Block No.189, dated 16.04.2012 and quash the same and consequently direct the 5th respondent to consider the application of the petitioners dated 05.09.2011 for granting patta in respect of their property comprised in Plot Nos.223 and 224 in Bhuvaneshwari Nagar Layout, 137, Velachery Village in Survey No.317/1, measuring about 3 grounds and 450 sq.ft.

2. It is seen that there is an appeal remedy as against the issuance of patta under Section 12 of the Tamil Nadu Patta Passbook Act. Therefore, the writ petition cannot be entertained under Article 226 of Constitution of India, there is a specific appeal remedy under Section 12 of the Tamil Nadu Patta Passbook Act. Therefore, the petitioners are directed to file an appeal as against the impugned order passed by the fifth respondent herein within a period of two weeks from the date of receipt of a copy of this order.

3. The period of pendency of this writ petition may be excluded while considering the appeal by the Appellate Authority. The Appellate Authority is directed to give opportunity to the parties concerned and the parties concerned also at liberty to produce all the documents in respect of the



subject property before the Appellate Authority. On receipt of the same, the Appellate Authority is directed to dispose the appeal on merits in accordance with law.

4. The learned counsel for the petitioners submitted that the seventh respondent died. Therefore, the legal heirs of the seventh respondent are permitted to appear before the Appellate Authority.

5. With above directions, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rna

To

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Secretary to Government,
Revenue Department, Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
3. The Commissioner of Land Administration,
Government of Tamil Nadu,
Chepauk, Chennai - 600 005.
4. The District Collector,
Collectorate Building, Chennai - 600 001.
5. The Tahsildar,
Mambalam - Guindy Taluk,
Jaffer Khanpet, Chennai.



6. Mr.Abith Hussain,
Tahsildar, Mambalam - Guindy Taluk,
Jafferkanpet, Chennai.

WEB COPY

+1 CC to The Government Pleader, Sr.No. 40715.

+1 CC to M/s.K.Chandrasekaran, Advocate, Sr.No. 40594.

W.P.No.14871 of 2012
and M.P.No.1 of 2012

PL(CO)
LS(03/09/2021)