



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.17441 OF 2013

AND

M.P.NOS.1 AND 2 OF 2013

Samikannu

... Petitioner

.Vs.

1. The Collector,
Office of Collector,
Villupuram District.

2. The Tahsildhar,
Office of Tahsildhar,
Tindivanam Taluk.

3. Gurunathan

4. Govindaswamy @ Sekar
[R-3 & R-4 are impleaded as per order
dated 10.11.2016 in M.P.No.3 of 2013
in W.P.No.17441 of 2013]

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 20.11.2012 in Na.Ka.No.F/11961/2012 passed by the second respondent herein and quash the same and consequently direct the second respondent herein to transfer patta in favour of the petitioner herein with respect to the lands situated at Tindivanam Registration District, Vallam Sub-Registration District, Tindivanam Taluk, Agoor Village, S.No.137/2 Ac 0.93 & S.No.138/6 Ac 0.83.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.A.M.Ayyadurai
Government Advocate
(for R1 & R2)

Mr.J.Prithivi (for R3)



ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order dated 20.11.2012 in Na.Ka.No.F/11961/2012 passed by the second respondent herein and quash the same and consequently direct the second respondent herein to transfer patta in favour of the petitioner herein with respect to the lands situated at Agoor Village, Tindivanam Taluk, Vallam Sub-Registration District, Tindivanam Registration District, comprised in S.No.137/2 Ac 0.93 & S.No.138/6 Ac 0.83.

2. The petitioner is challenging the order passed by the second respondent dated 20.11.2012, thereby transferring the patta in favour of the petitioner from respondents 3 and 4 herein as against the order passed by the second respondent herein. As against the said order, there is an appeal remedy as contemplated under Section 12 of the Tamil Nadu Patta Pass Book Act.

3. Considering the same, when specific appeal remedy is provided, the Writ Petition under Article 226 of the Constitution of India cannot be entertained. However, the petitioner is directed to file an appeal before the concerned Revenue Divisional Officer as contemplated under Section 12 of the Tamil Nadu Patta Pass Book Act. On receipt of the same, the concerned Revenue Divisional Officer is directed to issue notice to the petitioner and the respondents 3 and 4 herein and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of twelve weeks thereafter.

4. With the above direction, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Collector,
Office of Collector,
Villupuram District.



2. The Tahsildhar,
Office of Tahsildhar,
Tindivanam Taluk.

WEB COPY
Copy To:-

The Revenue Divisional Officer,
Tindivanam.

+1cc to Mr.s.Kaithamalai Kumaran, Advocate, S.R.No.65423
+1cc to the Government Pleader, S.R.No.66116

W.P.NO.17441 OF 2013

SS (CO)
PBS/21/12/2021