

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.4687 of 2021

M.Marimuthu

...Petitioner

-Vs-

1.The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

2.The Revenue Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for entire records connected with the impugned order of the second respondent in his proceedings in Na.Ka.No.A3/6859/2018 dated 16.10.2019 and quash the same, consequently direct the second respondent issue a patta to the petitioner in respect of the land to an extent of 1.50 Acres comprised in S.No.105/4A situated at Asakalathur Village, Kallakurichi Taluk & District.

For Petitioner : Mr.G.Balamanikandan
For Respondents : Mr.G.Rajesh, GA

ORDER

This Writ Petition is filed by the petitioner seeking a direction to call for entire records connected with the impugned order of the second respondent in his proceedings in Na.Ka.No.A3/6859/2018 dated 16.10.2019 and quash the same, and consequently direct the second respondent to issue a patta to the petitioner in respect of the land to an extent of 1.50 Acres comprised in S.No.105/4A situated at Asakalathur Village, Kallakurichi Taluk & District.

2.The petitioner herein challenges the impugned order of the second respondent dated 16.10.2019, whereby, the Tahsildar, the second respondent herein has declined to grant patta to him on the ground that a Suit in O.S.No.144 of 2017 relating to the subject property, is pending before the District Munsif Court, Kallakurichi.

3.Heard both sides.

4. The learned counsel for the petitioner submitted that the property involved in the said litigation and the one in question in the proceedings of the Tahsildar, are different.

5.Mr.G.Rajesh, learned Government Advocate appearing for the respondents has made a statement that when a provision for internal appeal is available, all aspects of the matter can be conventionally quoted before the first respondent. He also added that there is yet another reason on the basis of which the petitioner's prayer for issuance of patta as declined by the Tahsildar, is that the entire property is a poromboke land.

6. One aspect that stands out besides the pendency of the suit in O.S.No.144 of 2017, is that the assertion of the Tahsildar that the property in regard to which the petitioner seeks patta is a poromboke piece of land. This is the aspect that touched upon the facts and it is only appropriate for the petitioner to challenge it.

7. Challenging the impugned order before the first respondent in the formal appeal, the petitioner is now required to prefer an appeal to the first respondent within a period of two weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

2.The Revenue Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.

+1cc to Mr.G.Balamanikandan, Advocate SR.NO.13005

+1cc to The Government Pleader SR.NO.13738

AKM/04.03.21/ 2P-5C/

Order made in
W.P.No.4687 of 2021