



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.11112 of 2021

R.Murugan

..Petitioner

Vs.

1. The District Collector
O/o. the District Collector
Kesavalu Nagar, V.O.C.Nagar,
Kallakuruchi - 606202.

2. The Sub Collector
O/o. the Sub Collector
Kallakuruchi - 606 202.

3. The Tahsildar
O/o. the Tahsildar,
Salem Main Passage,
Chinnasalem - 606 201.

4. Selvamani

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3, to consider the petitioner's representation dated 24.08.2020 and pass appropriate orders in the same within a stipulated time.

For Petitioner .. Mr.R.Gopinath

For Respondents 1 to 3.. Mr.K.M.D.Muhilan,
(Govt.Advocate)

R4 .. Mr.V.R.Appaswamee

ORDER

The Writ Petition has been filed in the nature of Mandamus directing the 1st, 2nd and 3rd respondents to consider the representation dated 24.08.2020 and pass appropriate orders.



2.It is to be mentioned that significantly, the petitioner herein had not impleaded or given a representation to the Revenue Division Officer, who is the competent authority to examine the grievance if any of the petitioner.

WEB COPY

3.It also transpired during the course of arguments advanced by the learned counsel for the petitioner and the learned counsel for the 4th respondent who has been impleaded, that the writ petitioner is the sister's son of the 4th respondent. Both the petitioner and the 4th respondents appear to have a personal axe to grind against each other.

4.It is the claim of the petitioner herein that he is an agriculturist and has agricultural land at S.No.84/1, Koogaiyur Village, Chinnasalem Taluk, Kallakuruchi District. It was owned by his mother. They were using a common passage available in S.No.84/2 Koogaiyur Village, Chinnasalem Taluk, Kallakuruchi District, according to him several decades.

5.It must be kept in mind that in the affidavit sworn on 23.04.2021, it had been claimed by the learned counsel for the petitioner that the entire land was originally to an extent of 14 acres and there was an assignment of 10.42 acres to landless poor people and there was balance of 3.48 acres which was classified as Tharisu land which was used as a pathway by the villagers.

6.This stand is disputed by the 4th respondent who claims that in the year 1991, or more particularly on 06.08.1991 a patta had been granted to the 4th respondent with respect to the said land. It is claimed that therefore, the petitioner is engaged in an misadventure and is trying to take away the lands for which patta had already been granted.

7.Heard also Mr.K.M.D.Muhilan, learned Government Advocate appearing for the respondents 1 to 3.

8.My attention has been drawn to the provisions of the Tamil Nadu Patta Passbook Act, 1983, particularly to Section 12 of the Act, wherein, any person aggrieved by an order of the Tashildar may file an appeal. There is a time limit fixed for filing such an appeal and that has been given in Rule 14 of the Tamil Nadu Patta Passbook Rules 1987, and it is stated that an appeal should be preferred within a period of 30 days.

9.Now it is nearly about thirty years from the date of passing the order granting patta in favour of the 4th respondent. The petitioner tries to take advantage of a representation given by the petitioner herein on 24.08.2020 and a Mandamus is sought seeking a direction against the 1st, 2nd and 3rd respondents to act



on the said representation.

10. But unfortunately the proper authority had not been impleaded as a party namely, the Revenue Divisional Officer and neither has any representation been given to the official. At any rate, the entire issue is covered by legislation and it would only be appropriate that the procedure laid down in law is adhered by the parties. Giving a representation is not the proper method of addressing this particular grievance.

11. In view of the above, I am not inclined to grant any order, but the petitioner may workout his remedy in any manner advised and it is left to the revenue officials to address such method the petitioner takes, if at all to address his grievance. Let me not enter into any discussion on that particular aspect.

12. The Writ Petition does not survive any more and the same is dismissed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

smv

To

1. The District Collector
O/o. the District Collector
Kesavalu Nagar, V.O.C. Nagar,
Kallakuruchi - 606202.
2. The Sub Collector
O/o. the Sub Collector
Kallakuruchi - 606 202.
3. The Tahsildar
O/o. the Tahsildar,
Salem Main Passage,
Chinnasalem - 606 201.

+1cc to Mr. R. Gopinath, Advocate, S.R.No.37542
+1cc to M/s. V. R. Appaswamee, Advocate, S.R.No.37448
+1cc to the Government Pleader, S.R.No.38073

W.P.No.11112 of 2021

KK(CO)
RGA(17/09/2021)