



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.16442 OF 2014

AND

M.P.NO.1 OF 2014

AND

W.M.P.NO.2141 OF 2017

S.Ganapathy

... Petitioner

.Vs.

1. The Deputy Tahsildar,
Chinna Salem Town,
Villupuram District.

2. S.Subramanian

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records of the first respondent pertaining to the issue of patta No.92 of Thottampadi Village, Chinna Salem Taluk, Villupuram District, dated 04/02/2014 and quash the same.

For Petitioner : M/s.B.N.Sivagamasundari

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate
(for R-1)

: Mr.T.Dorai Vasu
For Mr.V.N.Mohanraj
(for R-2)

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorari, calling for the records of the first respondent pertaining to the issue of patta No.92 of Thottampadi Village, Chinna Salem Taluk, Villupuram District, dated 04.02.2014 and quash the same.



2. The petitioner is challenging the issuance of patta in favour of the second respondent for which, there is an appeal remedy under Section 12 of the Tamil Nadu Patta Pass Book Act. Therefore, when there is specific appeal remedy provided under the said Act, this Court cannot entertain the Writ Petition under Article 226 of the Constitution of India. Therefore, this Writ Petition is devoid of merits.

3. In the result, this Writ Petition is dismissed. However, the petitioner is at liberty to file an appeal as observed above, against the issuance of patta as against the second respondent within a period of two weeks before the Appellate Authority. It is made clear, that the period of pendency of this Writ Petition may be excluded while calculating the limitation in the appeal. If any such appeal is filed by the petitioner, the Appellate Authority is directed to issue notice to the parties concerned, viz., the second respondent and after giving an opportunity of hearing to them, pass appropriate orders on merits and in accordance with law. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kv

To

The Deputy Tahsildar,
Chinna Salem Town,
Villupuram District.

+1cc to Mr.R.Balasubramanian, Advocate, S.R.No.56447
+1cc to Mr.V.N.Mohanraj, Advocate, S.R.No.55978
+1cc to the Government Pleader, S.R.No.56668

W.P.NO.16442 OF 2014

SVI (CO)
PBS/24/11/2021