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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 28.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.26040 of 2017

K.Uma Maheswari ... Petitioner

-Vs-

1.The District Revenue Officer
Chennai District, Chennai.

2.The Revenue Divisional Officer
Fort-Thondayarpet Taluk
Chennai District, Chennai.

3.The Tahsildar, Ayanavaram
Chennai. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the Respondents 1 to 3 for issuing Patta in favour of the legal heirs of Mr.Venkata Narasaiya Chetty by considering the representation dated 28.08.2017.

For Petitioners : Mr.V.Vijayakumar

For Respondents : Ms.Akila Rajendran
Government Counsel

ORDER

The prayer sought for herein is for the issuance of a Writ of Mandamus to direct the Respondents 1 to 3 for issuing Patta in favour of the legal heirs of Mr.Venkata Narasaiya Chetty by considering the representation dated 28.08.2017.

2. The petitioner claimed patta in respect of property at S.No.3481 at No.73, Konnur Village, North Mada Street. However, since the said request having not been considered, despite his representation made in this regard on 28.08.2017 to

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the respondents ie., District Revenue Officer, Revenue Divisional Officer as well as Tahsildar concerned, the petitioner has filed the present writ petition with the aforesaid prayer seeking for a writ of Mandamus to consider his representation dated 28.08.2017.

3. However, during the pendency of the writ petition, the request of the petitioner, whether considered or not, it seems that patta in respect of the aforesaid property has been issued in favour of a third party. As regards issuance of patta in favour of third party, the petitioner seems to have filed an appeal before the Revenue Divisional Officer and the said appeal is pending before the concerned authority.

4. In order to decide the said appeal by the appellate authority ie., the Revenue Divisional Officer concerned, on merits, within a time frame, the petitioner's counsel submits that, the petitioner also filed W.P.No.3962 of 2018 and the said writ petition is also is stated to be pending before this Court.

5. In view of the aforesaid development, where, during the pendency of the writ petition since patta in respect of the land in question has already been issued in favour of the third party ie., against the petitioner, as against which, the petitioner had already preferred an appeal and the same is also pending, unless and until the appeal pending before the Revenue Divisional Officer is decided one way or the other, the question of granting patta in favour of the petitioner cannot be decided and therefore the prayer sought for in this writ petition cannot be granted to consider the request for patta in favour of the petitioner.

6. Therefore, this Court is of the considered view that, the prayer sought for in this writ petition has become infructuous and the writ petition is liable to be dismissed. But, at the same time, the dismissal of this writ petition will not preclude the petitioner to pursue the writ petition in W.P.No.3962 of 2018, where he seems to have sought for a writ of Mandamus to issue a direction to the Revenue Divisional Officer concerned who is the appellate authority under the Patta Passbook Act, to decide the appeal filed by the petitioner as against the order passed by the Tahsildar concerned granting patta in favour of the third party.

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7. Therefore, when that issue is taken up in the connected writ petition, the plea raised by the petitioner with regard to his grievance against the appellate authority to decide the appeal at the earliest point of time can be taken care of. As of now, since the prayer has become infructuous, this writ petition is dismissed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KST

To

1.The District Revenue Officer
Chennai District, Chennai.

2.The Revenue Divisional Officer
Fort-Thondayarpet Taluk
Chennai District, Chennai.

3.The Tahsildar, Ayanavaram
Chennai.

+1CC to Government Pleader SR NO.30274

W.P.No.26040 of 2017

PCH (CO)
PR (20/07/2021)

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