



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.9064 of 2021

M.Deva

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai District.

3.The Revenue Divisional Officer,
Mellur Division,
Vellaripatti,
Madurai District.

(Third respondent is suo-motu
impleaded as per order of this
Court dated 22.06.2021)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, by calling for the entire records pertaining to the impugned order passed by the second respondent vide his proceedings in Na.Ka.No.4494/2020/S, dated 12.04.2021 and set aside the same and consequently, direct the second respondent to issue a separate patta for the petitioner's property measuring to the extent of 31.5 cents comprised vide Joint Patta No.824 in Survey No.75/2, Viraganoor, Madurai South Taluk, Madurai District within a specific period as fixed by this Court.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.M.Lingadurai
Government Advocate

ORDER

The Revenue Divisional Officer, Mellur Division, Vellaripatti, Madurai District is *suo motu* added as the third respondent in this Writ Petition.

2. This Writ Petition has been filed challenging the order passed by the second respondent dated 12.04.2021 and for a consequent direction to the second respondent to issue a



separate patta in the name of the petitioner with respect to the subject property.

3. when the matter came up for hearing on 30.04.2021, this Court informed to the learned counsel for the petitioner that there is an appeal remedy provided under the Tamil Nadu Patta Passbook Act, 1983 and the petitioner without exhausting the remedy, cannot directly approach this Court challenging the order passed by the second respondent. The learned counsel for the petitioner submitted that he will instruct his client to file an appeal before the concerned Revenue Divisional Officer and report before this Court.

4. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that the petitioner has filed an appeal on 30.04.2021 and it was sent through post to the impleaded third respondent and it was received on 03.05.2021.

5. Taking into consideration the facts and circumstances of the case and also of the fact that an appeal has been filed before the impleaded third respondent, there shall be a direction to the third respondent to consider the appeal filed by the petitioner on 30.04.2021, which was received by the third respondent on 03.05.2021 and deal with the same on its own merits and in accordance with law and pass final orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. If there are any other interested parties, notice shall also be issued to them before passing final orders in the appeal.

6. The petitioner is directed to make a fresh representation to the impleaded third respondent along with all the relevant documents and also a copy of this order.

7. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

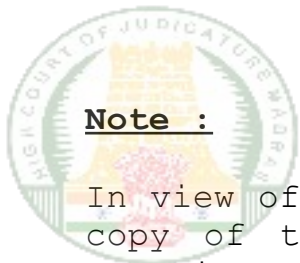
Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsm



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Madurai South Taluk,
Madurai District.
- 3.The Revenue Divisional Officer,
Mellur Division,
Vellaripatti,
Madurai District.

+1 CC to M/s.S.BALAJI, Advocate (SR-20003[F] dated 23/06/2021)

+1 CC to M/s.SPL GP (SR-20028[F] dated 23/06/2021)

W.P. (MD) .No.9064 of 2021

22.06.2021

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