

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4093 of 2022

S.Syed Naveed

...Petitioner

Vs.

1. The District Collector,
Dharmapuri District.
2. The Revenue Divisional Officer,
Dharmapuri District.
3. The Tahsildar,
Dharmapuri District.
4. The Village Administrative Officer,
Semmanahalli Village,
Dharmapuri District.
5. Syed Mohammed Shah
6. Aajrambee

...Respondents

PRAYER:The Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus to direct the 2nd respondent to dispose the appeal dated 26.12.2020 within a reasonable time.

For Petitioners : Mr.Krishnasamy Chinnasamy

For RR1 to 4 : Mr.M.Murali
Government Advocate

O R D E R

The petitioner has filed this petition for Writ of Mandamus to direct the 2nd respondent to dispose the appeal dated 26.12.2020, within a reasonable time.

2.The case of the petitioner is that the petitioner's father Syed Babu had purchased some property in S.F.NO.256, 277, 278

and 279, at Semmanahalli Village and he had two wives. His first wife namely Mrs.Hamsa has four children including the petitioner herein and his second wife namely Zainab bee has three children. After the death of his father, the 2nd wife went to Bangalore for living. Subsequently all four male legal heirs of the 1st wife, orally partitioned the property between them and the entire land has been looking after by Syed Mohammed Shah. Later, it is alleged that the said Syed Mohammed Shah silently alienated the property to others by using fabricated documents. Based on those documents, the patta name has been changed in the revenue records. Hence, the petitioner made a representation dated 07.10.2020 to conduct a detailed enquiry and to restore the name of his father in the revenue records, however, the respondent passed orders to approach the Civil Court for the grievance. Subsequently on 26.12.2020, the petitioner has made an appeal against the order passed by the 3rd respondent, which is pending before the 2nd respondent for a long period of time. Hence this petition is filed by the petitioner to dispose of the appeal.

3.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the respondents to consider the petitioner's appeal dated 26.12.2020, within a reasonable time as fixed by this Court.

4.Since no adverse orders are passed against the respondents, notice to them is not necessary and this Court based on the available records, is inclined to dispose of the matter.

5.The learned Government Advocate appearing for the respondents 1 to 4 submitted that the petitioner is having efficacious remedy before the 3rd respondent under Section 3 of the Patta Passbook Act. However, without availing the said remedy, the petitioner has directly filed Revision Petition before the 1st respondent and hence prays for dismissal of this petition.

6.Facts in the present case is not in dispute that the petitioner's claim that he is the owner of the property in the said survey number under UDR scheme. However, he claims that based on the fraudulent documents, the patta got transferred in the name of the respondents 5 and 6 and for rectification of the error, the petitioner made the appeal before the appellate authority. However this Court is of the view that the petitioner instead of approaching the original authority namely the 3rd respondent / the Tahsildar under Section 3 of the Patta Passbook Act, directly filed Revision Petition before the 1st respondent, which is not sustainable and hence the prayer sought for in the present petition cannot be granted. However liberty is granted to file an appropriate application before the 3rd respondent and

if any such application is filed, the 3rd respondent may pass appropriate orders in accordance with law after affording opportunity to the aggrieved persons, as expeditiously as possible.

6. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri District.
2. The Revenue Divisional Officer,
Dharmapuri District.
3. The Tahsildar,
Dharmapuri District.
4. The Village Administrative Officer,
Semmanahalli Village,
Dharmapuri District.

+1cc to the Government Pleader, S.R.No.14182

W.P.No.4093 of 2022

JP(CO)
RGA(18/03/2022) (23/03/2022)