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W.P.No.1430 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.1430 of 2015

and

MP.No.1 of 2015

1. V.Ganesan
2. V.Sadagopan
3. V.Murugadoss

All are rep. by their Power agent,
P.Vairamani

...Petitioners

Vs.

1. The District Collector,
Kancheepuram District, Kancheepuram.
2. The Revenue Divisional Officer,
Kancheepuram District.
3. The Tahsildar,
Sriperumpudur Taluk, Kancheepuram District.
4. The Revenue Inspector,
Padapai, Kancheepuram District.
5. S.Nithya
Rep. by her Power of Attorney Agent,
R.Gurumurthy



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(R5 amended, vide order dated 20.07.2022 made in MP.No.2 of 2015 in W.P.No.1430 of 2015)

6. S.Geetha
7. V.Amal Vasanth Rozario
8. Sakkunthala
9. G.Shanbaga Valli
10. A.Abdul Kani
11. G.Renganathan
12. S.Balaji Singh
13. M.Subramanian
14. B.Thilagavathi
15. N.Sundara Balu
16. S.Parvathi
17. Indira Bai
18. Dhanapakkiyam
19. Moglibai

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 19.06.2014 in proceedings Na.Ka.No.8304/2014 AA2 of the 3rd respondent and quash the same and direct the 3rd respondent to issue transfer of patta in the name of petitioners for 3.25 Acres in Survey No.110 and 89 cents in Survey No.111 (Totally 4.14 Acres) in Salamangalam Village, in Sriperumpudur Taluk, Kancheepuram District.

For Petitioners : Mr.P.Selvaraj

For Respondents : Mr.G.Krishna Raja, AGP, for R1 to R4
: Mr.S.R.Rajagopal, for R7, R13 to R16
: Mr.M.S.Subramanian, for R5 & R6

ORDER

The petitioners have filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd



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respondent in respect of the order dated 19.06.2014 in Na.Ka.No.8304/2014

AA2 of, quash the same and to consequently, direct the 3rd respondent to transfer the patta in the name of petitioners in respect of the subject property.

2. The petitioners herein are represented by their Power Agent namely, P.Vairamani and he obtained power from the petitioners, vide Power of Attorney Doc.No.278/2008 dated 24.03.2008. The case of the petitioners is that, their father namely Late.Veerabathra Chettiar has acquired the properties comprised in S.Nos.110 & 111, totally measuring an extent of 4.14 Acres situated at Salamangalam Village by way of succession and after his demise, the petitioners herein, their sisters and their mother, being the legal heirs of the said Veerabathra Chettiar, got the above said properties and thereafter, the petitioners' mother and their sisters have released their respective shares of the subject properties in favour of the petitioners, vide registered deed Doc.No.3022 / 2006 dated 26.06.2006. On the strength of the said release deed, the petitioners herein have approached the 3rd respondent for transfer of patta in respect of the subject property in their favour, however, there was no response. Aggrieved by the same, the



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petitioners filed a petition dated 07.02.2012 before the 2nd respondent, on receipt of the said petition, the 2nd respondent directed the 3rd respondent to pass orders and in compliance of the said direction, the 3rd respondent, without verifying any of the facts and without affording an opportunity to the petitioners, has passed the present order under challenge dated 19.06.2014 in Na.Ka.No.8304/2012 AA2, rejecting the petitioners' request. Hence, challenging the same, the present Writ petition is filed.

3. Heard learned counsel on either side and perused the materials available on record.

4. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that, as against the order passed by the Tahsildar, there is an effective appeal remedy available before the Appellate authority / Revenue Divisional Officer, in terms of Section 12 of the Tamil Nadu Patta Passbook Act, 1983, and without exhausting the said appeal remedy, straight away approaching this Court by way of filing this Writ petition, challenging the order passed by the Tahsildar is not sustainable, the learned



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counsel for the petitioners fairly restricted the prayer and sought permission of this Court, to file appropriate Appeal before the 2nd respondent / Appellate authority as against the order dated 19.06.2014 passed by the Tahsildar. Further, the learned counsel appearing for the respective respondents have not expressed any serious objection for the limited relief sought for by the petitioners.

5. In view of the aforesaid stand taken by the learned counsel for the petitioners, this Court, without interfering with the order under challenge, grants permission to the petitioners to file appropriate appeal before the 2nd respondent / Appellate authority within a period of four weeks from the date of receipt of a copy of this order. On receipt of such appeal, the 2nd respondent shall consider the same on merits and in accordance with law and pass appropriate orders within a period of eight weeks thereafter, after affording an opportunity of personal hearing to the petitioners and the private respondents.

6. Accordingly, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.



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(1/4)

skt

Speaking Order : Yes/ No

Index : Yes/ No

M.DHANDAPANI, J.

skt

To

1. The District Collector,
Kancheepuram District, Kancheepuram.
2. The Revenue Divisional Officer,
Kancheepuram District.
3. The Tahsildar,
Sriperumpudur Taluk, Kancheepuram District.
4. The Revenue Inspector,
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