



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35829 of 2007

K.V.Velusamy

... Petitioner

Vs.

1.The Collector,
Coimbatore District,
Coimbatore.

2.The Tahsildhar
Palladam,
Coimbatore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the second respondent in Na.Ka.No.5384/2006 a2 dt.12.11.2007 and quash the same and consequently transfer the patta in the name of the petitioner.

For Petitioner : M/s.S.Geetha

For Respondents : Mr.G.Nanmaran
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the second respondent in Na.Ka.No.5384/2006 a2 dated 12.11.2007 and to quash the same and to consequently transfer the patta in the name of the petitioner.

2.The case of the petitioner is that the petitioner is the owner of the subject property and he acquired the same by virtue of the settlement deed executed by his father. Thereafter, the petitioner made representation to the respondents seeking to grant patta in his name and since the same was not considered, he filed W.P.No.21433 of 2006 before this Court seeking direction to the respondents therein to consider the representation and this Court vide order dated 10.07.2006



disposed of the said writ petition with direction to the respondents therein to dispose of the petitioner's representation. Pursuant to the said order, the impugned order was passed on the ground that condition patta was granted in favour of the petitioner's father's vendor and as per the said condition patta, the subject property cannot be alienated to any persons belonging to other caste. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that condition patta was granted in favour of the petitioner's father's vendor and the property was alienated in favour of the petitioner's father during 1984 itself. Thereafter, regular patta was granted in favour of the petitioner's father. Once regular patta was issued in favour of the petitioner's father, petitioner is entitled to claim patta.

4.The learned counsel appearing for the petitioner further submitted that the petitioner's possession is protected by the judgment of the Hon'ble Division Bench of this Court dated 10.04.2008 made in W.A.No.427 of 2008.

5.The learned Special Government Pleader appearing for the respondents submitted that as against the impugned order, there is effective appeal remedy available to the petitioner before the Revenue Divisional Officer in terms of Section 12 of the Patta Passbook Act and without exhausting such remedy, the petitioner has filed this writ petition which is un-sustainable one.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Petitioner claim that he is the owner of the subject property and he acquired the same by virtue of the settlement deed executed by his father and he made representation to the respondents seeking to grant patta in his name, however, his request was rejected by the respondents. As against the impugned order, there is effective appeal remedy available to the petitioner before the Revenue Divisional Officer in terms of Section 12 of the Patta Passbook Act and without exhausting such remedy, the petitioner has filed this writ petition. Hence, this Court is not inclined to consider the relief sought for by the petitioner in this writ petition.

8.The writ petition is dismissed. However, liberty is granted to the petitioner to file appeal before the jurisdictional Revenue Divisional Officer, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the concerned



Revenue Divisional Officer, shall consider the same and pass appropriate orders, within a period of twelve weeks from the date of filing of the appeal. The petitioner's possession shall not be disturbed by the respondents till the disposal of the appeal that is to be filed by the petitioner. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Collector,
Coimbatore District,
Coimbatore.

2. The Tahsildhar
Palladam,
Coimbatore District.

3. The Revenue Divisional Officer,
Coimbatore.

+1cc to Mr. Rajnish Pathiyil, Advocate, S.R.No.14469
+1cc to the Government Pleader, S.R.No.15070

W.P.No.35829 of 2007

SPD (CO)
SB (16/03/2022)