

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.2971 OF 2022

1. Preetha V Kannan

2. Vannan Vetrivel Kannan,  
Represented by his Power of Attorney,  
Mrs.Preetha V Kannan.

3. Arun Vetrivel Kannan

... Petitioners

.Vs.

1. The Tahsildar,  
Taluk Office,  
Sengadu, Yercaud,  
Salem - 636 601.

2. The Village Administrative Office,  
Semmanatham Village,  
Yercaud Taluk, Salem.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the first respondent in the impugned order dated 12.01.2022 in proceeding No.87/2021(A2) and quash the same and direct the first respondent to update the online patta in favor of the petitioners in Survey numbers 38/1, 37/1 and 37/3 at 41-Narthenchedu Village, Yercaud Taluk, Salem District.

For Petitioner : Mr.P.J.Rishikesh

For Respondents : Mr.T.Chezhiyan  
Additional Government Pleader

## O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records on the file of the first respondent in the impugned order dated 12.01.2022 in proceeding No.87/2021(A2) and to quash the same and to direct the first respondent to update the online patta in favour of the petitioners in Survey numbers 38/1, 37/1 and 37/3 at 41 - Narthenchedu Village, Yercaud Taluk, Salem District.

2. The case of the petitioners is that the first petitioner is the mother and petitioners 2 and 3 are her sons. The petitioners are the absolute owners of Carrara Estate A bearing Survey numbers 38/1 (part), 28/2B, 29/1A4(part), 37/1 and 37/3 and the said properties were acquired by the petitioners through the Will executed by the first petitioner's father.

3. The further case of the petitioners is that based on the representation made by the first petitioner's father, patta transfer order dated 11.08.2003 with respect to survey numbers 38/1, 37/1 and 37/3 at 41 - Narthenchedu Village, Yercaud Taluk, Salem District, was issued. The petitioners made representation dated 20.01.2021 to the first respondent seeking to update the patta with respect to the survey numbers 38/1, 37/1 and 37/3 at 41 - Narthenchedu Village, Yercaud Taluk, Salem District in their names and since there was no action filed W.P.No.18277 of 2021 and this Court vide order dated 03.09.2021 directed the respondents to consider the petitioners representation within a time frame. Thereafter, the impugned order was issued. Hence, this writ petition.

4. The learned counsel appearing for the petitioner submitted that the first respondent contrary to their own order has passed the impugned order, which is not sustainable.

5. This Court perused the patta transfer order dated 11.08.2003. The said order makes it clear that patta in respect of survey numbers 38/1, 37/1 and 37/3 at 41 - Narthenchedu Village, Yercaud Taluk, Salem District was granted on the strength of the Will executed by the first petitioner's father and grandfather of petitioners 2 and 3. The impugned order was passed on the ground that survey numbers, extent and boundaries are not mentioned in the Will. Hence, this Court is not inclined to interfere in the impugned order.

6. Further as against the order passed by the Tahsildar, there is effective appeal remedy available to the petitioners before the Revenue Divisional Officer. The petitioners instead

of approaching the appropriate Appellate Authority, has filed this writ petition which is un-sustainable one. Hence, this Court is not inclined to grant the relief sought for in this writ petition.

7. The writ petition is accordingly dismissed. However, liberty is granted to the petitioners to file appeal before the appropriate Appellate Authority, if so advised. No costs.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,  
Taluk Office,  
Sengadu, Yercaud,  
Salem - 636 601.
2. The Village Administrative Office,  
Semmanatham Village,  
Yercaud Taluk, Salem.

+1cc to Mr.P.J.Rishikesh, Advocate, S.R.No.10896  
+1cc to the Government Pleader, S.R.No.11579

W.P.NO.2971 OF 2022

SVI(CO)  
PBS/16/03/2022