



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4813 of 2022
and
W.M.P.No.4919 of 2022

C.Jothi

...Petitioner

Vs.

1. The District Collector,
Kanchipuram District,
Kanchipuram - 631 501.

2. The Zonal Deputy Tahsildhar,
Uthiramerur Taluk,
Kanchipuram District - 603 406.

...Respondents

PRAYER:The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or order or direction in the nature of Writ calling for the records pertaining to the impugned order of rejection of Patta transfer dated 17.11.2021 towards the Patta application vide application No. 2021/0103/03/230596 dated 29.10.2021, on the file of the 2nd respondent herein and to quash the same, consequently directing the 2nd respondent to issue patta in the name of the petitioner within a time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Ramana Reddy

For Respondents : Mr.M.Murali
Government Advocate

O R D E R

Writ Petition has been filed to call for the records pertaining to the impugned order of rejection of Patta transfer dated 17.11.2021 towards the Patta application vide application No. 2021/0103/03/230596 dated 29.10.2021, on the file of the 2nd respondent and to quash the same, consequently direct the 2nd respondent to issue patta in the name of the petitioner within a time to be stipulated by this Court.



2. Mr.M.Murali, learned Government Advocate takes notice for the respondents.

3. The case of the petitioner is that the petitioner purchased the property vide Sale Deed, Doc.No.1910 of 2021 dated 06.07.2021 and the petitioner made application online for transfer of patta on 29.10.2021 in her name. The same was forwarded to the 2nd respondent and the said application was rejected by the 2nd respondent on 17.11.2021, by way of the impugned order. Challenging the same, the petitioner filed the present writ petition seeking the aforesaid relief.

4.The learned counsel for the petitioner would submit that as against the rejection of the petitioner's application by the 2nd respondent, there is an effective remedy available before the Revenue Divisional Officer/Appellate Authority in terms of the Section 12 of the Tamil Nadu Patta Pass Book Act, 1983. Hence, this Court may permit the petitioner to file an application before the Appellate Authority.

5.In view of the above, it is made clear that the 2nd respondent had rejected the petitioner's application for transfer of patta in favour of the petitioner/purchaser. If it is so, the remedy available to the petitioner is filing an appeal before the Revenue Divisional Officer/Appellate Authority in terms of the Section 12 of the Tamil Nadu Patta Pass Book Act, 1983. Without filing an appeal before the Appellate Authority, filing this writ petition is not sustainable. Hence, the prayer sought in the writ petition can not be granted.

6.Accordingly, this writ petition is dismissed. Consequently, the connected miscellaneous petition is also closed. However, liberty is granted to the petitioner to file an appeal before the Appellate Authority within a period of twelve weeks. Thereafter, the Appellate Authority may decide the appeal as expeditiously as possible. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rgi/nhs

To



1. The District Collector,
Kanchipuram District,
Kanchipuram.

2. The Zonal Deputy Tahsildhar,
Uthiramerur Taluk,
Kanchipuram District.

+1cc to Mr.V.Ramana Reddy, Advocate, S.R.No.14426

W.P.No.4813 of 2022
and
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PA (CO)
RGA (23/03/2022)