



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.27710 of 2012

1.Shyamala

2.Ashok Kumar

... Petitioners

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The District Revenue Officer,
Vellore District,
Vellore.

3.The Tahsildhar,
Thirupatthur Taluk,
Vellore District.

... Respondents

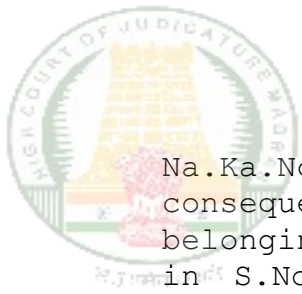
Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 3rd respondent Na.Ka.No.P2/8425/2006 dated 26.09.2012, and quash the same and consequently direct the respondents to reclassify the land belong to the petitioner to an extent of 1.50 acres comprised in S.No.110/1 Jolarpettai Village, Thirupathur Taluk and to issue patta in favour of the petitioners within the time frame to be fixed by this Hon'ble Court.

For Petitioners : M/s.G.Sankaran

For Respondents: Mr.M.Murali
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 3rd respondent in



Na.Ka.No.P2/8425/2006 dated 26.09.2012, and quash the same and consequently direct the respondents to re-classify the land belonging to the petitioner of an extent of 1.50 acres comprised in S.No.110/1, Jolarpettai Village, Thirupathur Taluk and to issue Patta in favour of the petitioners within the time frame to be fixed by this Court.

2. The learned Government Advocate takes notice to the official respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioners is that the petitioners are the owners of the property comprised in S.No.110/1, Jolarpettai Village, Thirupathur Taluk, Vellore District of an extent of 1.50 acres. On earlier occasion the petitioner's property had been wrongly added in S.No.110/1 and classified as Ganapathi Kuttai Poramboke, for which the petitioners filed a suit in O.S.No.576 of 1992, on the file of the District Munsif Court, Thirupathur, seeking declaration of title and permanent injunction in respect of subject property, by impleading the District Collector, Vellore, Tahsildhar, Thirupathur Taluk and Village Administrative Officer, Jolarpettai. The suit was decreed in favour of the petitioners. Thereafter, the petitioners made an application under Patta Pass Book Act for issuance of Patta by re-classifying the said land. However, by way of impugned order, the Tahsildar rejected the Patta. Hence, this Writ Petition is filed with the above said prayer.

4. The learned counsel for the petitioner submitted that the petitioner is the owner of the property in S.No.110/1 Jolarpettai Village, Thirupathur Taluk, Vellore District of an extent of 1.50 acres. The said property was wrongly included along with Ganapathi Kuttai Poramboke and the said wrong classification was set aside in the suit filed by the petitioner in O.S.No.576 of 1992. However, without considering the decree passed in the said suit, the Tahsildar mechanically rejected the request of the petitioner which is not sustainable. The learned counsel for the petitioner further submitted that, on earlier occasion, the respondent has not considered the petitioner's request for issuance of Patta, for which they filed writ petition in W.P.No.25231 of 2008 and W.P.No.20692 of 2011. This Court by its order dated 21.10.2008 and 08.09.2011 issued a direction to the respondent therein to consider the petitioner's representation, in the light of decree passed by the competent Civil Court in O.S.No.576 of 1992. However, as against the order



of this Court, the present impugned order was passed. Accordingly, the petitioners prayed for allowing the Writ Petition.

5. The learned Government Advocate appearing on behalf of the official respondents submitted that, though a detailed counter was filed as against the order passed by the Tahsildar under Section 12 of the Patta Pass Book Act, the effective remedy that is available to the petitioners is only before the District Revenue Officer (DRO) and not before this Court. Hence, he opposed for allowing the petition.

6. Considering the facts and circumstances of the case, admittedly, the petitioners obtained property in S.No.110/1 Jolarpettai Village, Thirupathur Taluk, Vellore District of an extent of 1.50 acres and thereafter, the petitioner made a representation which was rejected by the Tahsildar. As rightly pointed by the learned Government Advocate there is an effective remedy to the petitioner before the appellate authority under Section 12 of the Patta Pass Book Act, and without availing such remedy, filing petition under Article 226 of the Constitution of India, is not sustainable.

7. With the aforesaid observation, this Writ Petition is disposed of. However, liberty is granted to the petitioners to work out their remedy in the manner known to law. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Psa
To

1. The District Collector,
Vellore District,
Vellore.

2. The District Revenue Officer,
Vellore District,
Vellore.



3.The Tahsildhar,
Thirupatthur Taluk,
Vellore District.

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+1cc to the Government Pleader Sr.14594

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